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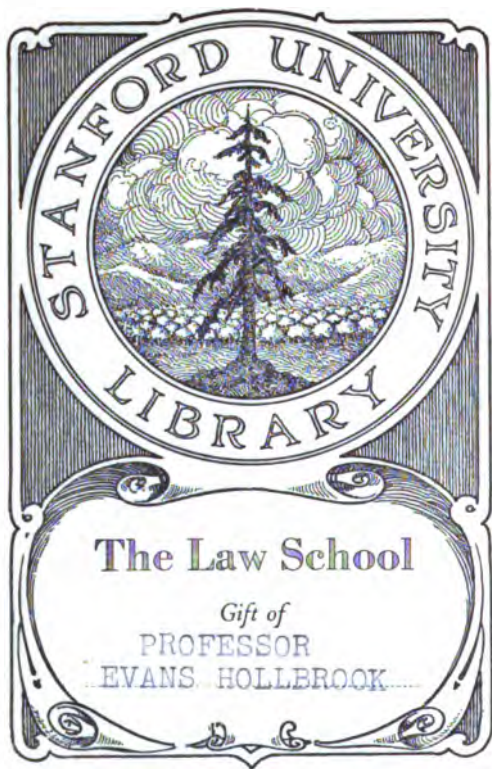
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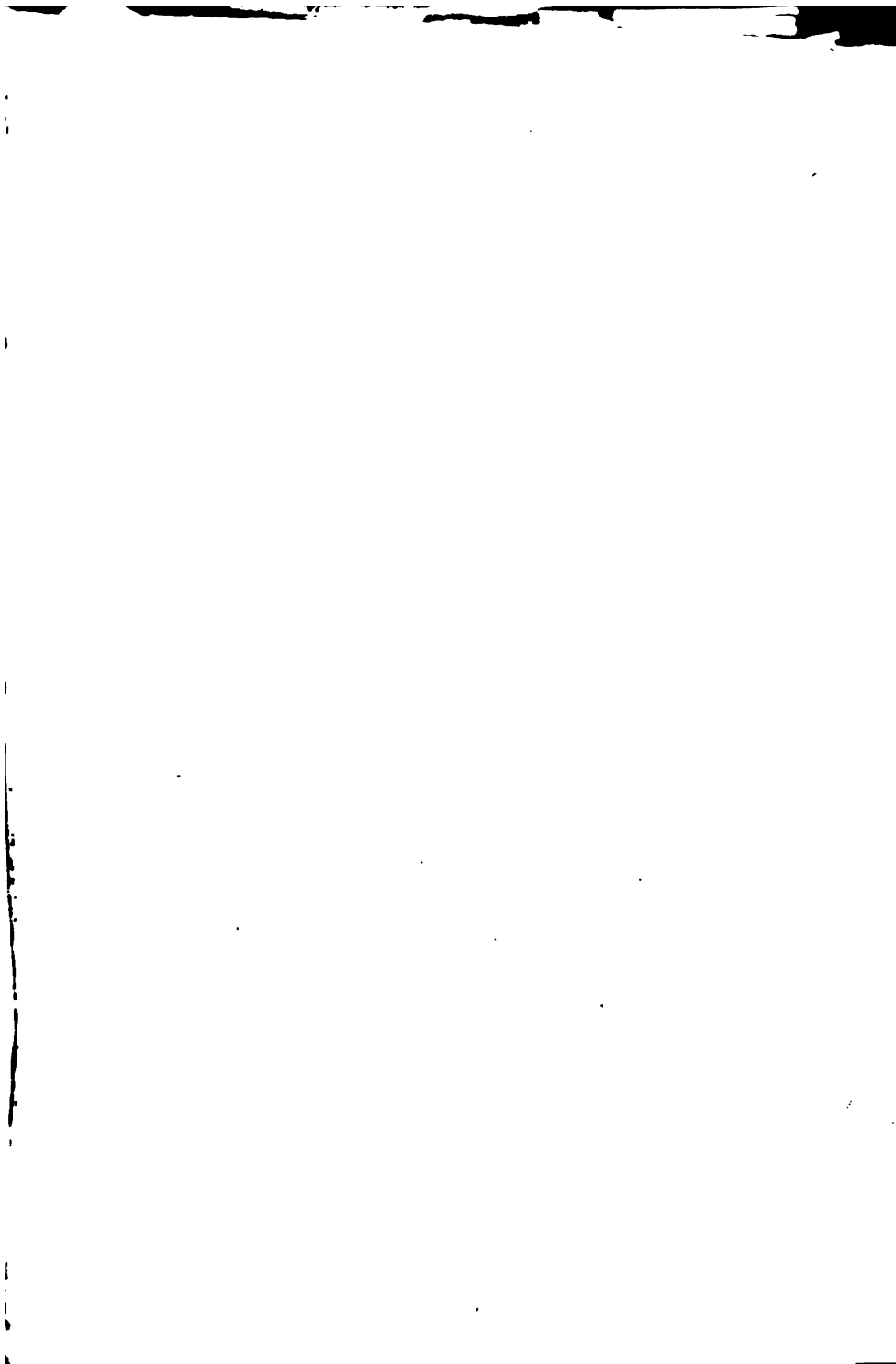
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1997

1



ACTS
OF
THE LEGISLATURE
OF THE
STATE OF MICHIGAN.

PASSED AT THE
ANNUAL SESSION OF 1850,

WITH AN
APPENDIX,

**Containing the State Treasurer's Annual Report, together with Statements of
the Votes given for and against an amendment to the Constitution,
and for and against a Convention to Revise the Constitution.**



BY AUTHORITY.

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R. W. INGALS, STATE PRINTER.

1850.

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NAMES

Of the Governor, Lieut. Governor, Senators and Representatives in Office at the time
of the passage of the Laws contained in this Volume.

JOHN S. BARRY, GOVERNOR.

SENATE.

WILLIAM M. FENTON,

LIEUTENANT GOVERNOR, AND PRESIDENT OF THE SENATE.

DISTRICT.	SENATORS.	COUNTY.
First District, - - -	Andrew Harvie,	Wayne.
“ “	Jacob Summers,	Macomb.
“ “	Titus Dort,	Wayne.
“ “	Joseph T. Copeland,	St. Clair.
Second District, - -	William Finley,	Washtenaw.
“ “	N. G. Isbell,	Livingston.
“ “	M. Shoemaker,	Jackson.
“ “	Dwight Webb,	Washtenaw.
Third District, - - -	Alfred French,	Branch.
“ “	Isaac P. Christiancy,	Monroe.
“ “	Fielden S. Snow,	Benawee.
“ “	Levi Baxter,	Hillsdale..
Fourth District, - -	Henry H. Riley,	St. Joseph.
“ “	John McKinney,	Van Buren..
Fifth District, - - -	D. S. Walbridge,	Kalamazoo..
“ “	Charles Dickey,	Calhoun.
Sixth District, - - -	Thornton F. Brodhead,	Oakland.
“ “	Noah Beach,	Saginaw.
“ “	Jonathan P. King,	Mackinac.
“ “	Alvin N. Hart,	Lapeer.
Seventh District, - -	Adam L. Roof,	Ionia.
“ “	John Bowne,	Barry.

HOUSE OF REPRESENTATIVES.

SILAS G. HARRIS, OF OTTAWA COUNTY, SPEAKER.

NAMES.	COUNTY.	NAMES.	COUNTY.
Joshua K. Abbott,	Genesee.	George S. Lester,	St. Clair.
William Axford,	Oakland.	Mortimer B. Martin,	Shiawassee.
Nathan Barlow, Jr.,	Barry.	Thomas McCarty,	Saginaw.
Norman Barnes,	Monroe.	Henry S. Mead,	Hillsdale.
Philo Beers,	Kent.	Hiram Millspaugh,	Wayne.
Asher Bonham,	St. Joseph.	John Montgomery,	Eaton.
Calvin Britain,	Berrien.	Hiram Moore,	Kalamazoo.
Dellabar Burrows,	Oakland.	Edward G. Morton,	Monroe.
Henry D. Carpenter,	Wayne.	Julius Movius,	Washtenaw.
Harleigh Cartier,	Macomb.	Pleasant Norton,	Cass.
Harmon Chamberlin,	St. Clair.	Bethuel Noyes,	Wayne.
Oliver D. Colvin,	Branch.	Asa H. Otis,	Wayne.
Hovey K. Clarke,	Calhoun.	Joseph B. Pierce,	Jackson.
David B. Dennis,	Lenawee.	Nathan Pierce,	Calhoun.
Peter Dox,	Oakland.	Jacob Price,	Oakland.
Delamore Duncan,	Kalamazoo.	D. G. Quackenboss,	Lenawee.
James Fowle,	Hillsdale.	John Renwick,	Washtenaw.
Townsend E. Gidley,	Jackson.	Elijah J. Roberts,	Houghton.
Noah K. Green,	Lenawee.	Roland Root,	Branch.
Frederick Hall,	Ionia.	David Sackett,	Wayne.
Philotus Hayden,	Van Buren.	Samuel M. Scott,	Clinton.
Cortez P. Hooker,	Macomb.	George Sedgwick,	Washtenaw.
Jonathan Hudson,	Wayne.	Daniel D. Sloan,	Washtenaw.
Erastus Hussey,	Calhoun.	Ezekiel C. Smith,	Cass.
John D. Irvine,	Mackinac.	William T. Snow,	Oakland.
Friend Ives,	Allegan.	Grove Spencer,	Washtenaw.
Edward L. Jones,	Jackson.	John Stockton,	Macomb.
Edwin Kellogg,	St. Joseph.	Samuel Street,	Berrien.
F. A. Kennedy,	Lenawee.	O. P. Strowbridge,	Lapeer.
John Kenyon, Jr.,	Livingston.	Marshall M. Welles,	Oakland.
John B. King,	Monroe.	Philo Wilson,	Lenawee.
George W. Kneeland,	Livingston.	Amaziah Winchell,	Ingham.
Dewitt C. Leach,	Genesee.		

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LAWS OF MICHIGAN.

LAWS OF MICHIGAN.

[No. 1.]

AN ACT to amend an act entitled an act to authorize the heirs of William Mochmoer to convey certain real estate, approved March 19, 1849.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Michigan, That section one of an act approved March 19th, 1849, entitled an act to authorize the heirs of William Mochmoer to convey certain real estate, be, and the same is hereby amended, by striking out the word "east," where it last occurs in the eleventh line of said section, as printed, and inserting in lieu thereof, the word "west." Act amended.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved, January 12, 1850.

[No. 2.]

AN ACT to provide for the payment of William W. Crane, while claiming a seat in the House of Representatives.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Michigan, That the State Treasurer be, and is hereby authorized to pay, upon the certificate of the Speaker of the House of Representatives, such sum as may be due William W. Crane, for travel to and from the Capitol, at the rate of three dollars for every Payment of William W. Crane authorized.

twenty miles, and three dollars for every day's attendance, while claiming a seat as a member of the House of Representatives, during the present session.

Sec. 2. That there be appropriated out of any money in the treasury, not otherwise appropriated, a sum sufficient for the purpose aforesaid.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved January 15, 1850.

[No. 3.]

AN ACT to provide for the payment of the officers and members of the legislature.

Compensation of members of the Senate and House and of Speaker.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the compensation of members of the Senate and House of Representatives shall be three dollars per day each, and that of the Speaker of the House, his per diem allowance inclusive, six dollars per day; and the mileage of said members shall be computed at the rate of three dollars for every twenty miles, to and from the Capitol, upon the usual traveled routes.

Compensation of officers.

Sec. 2. The secretary of the Senate, and clerks and sergeant-at-arms of either House, shall be allowed three dollars per day; the fireman of either House shall be allowed one dollar and fifty cents per day, and the messengers of either House, one dollar per day; during the session of the House to which they respectively belong.

How certified.

Sec. 3. Such sums as may be due to the president, or president pro-tempore of the Senate, shall be certified by the secretary of the Senate, and to the speaker of the House by the clerk thereof, and such sums as may be due the secretary of the Senate, and the clerk of the House, shall be certified by the presiding officers of the respective Houses, and countersigned by the Auditor General, and such sums as may be due the members and other officers of either House under the preceding sections; shall be certified by the secretary or clerk, and countersigned by the presiding officers of the respective Houses.

How paid.

Sec. 4. Upon presentation of any such certificate at the State Treasury, countersigned as provided in the preceding section, the

LAWS OF MICHIGAN.

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State Treasurer is hereby authorized and directed to pay the same out of any money in the treasury to the credit of the general fund, not otherwise appropriated.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 16, 1850.

[No. 4.]

AN ACT for the relief of Henry A. Hayden.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the township board of the township of Jackson, in the county of Jackson, be and they are hereby authorized to pay or cause to be paid to Henry A. Hayden the sum of sixty dollars and sixty-three cents, with interest from the 18th day of October, A. D. 1848, the same being in payment for that sum paid on the order of the highway commissioners of said township.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved January 21, 1850.

[No. 5.]

AN ACT to amend an act entitled an act to incorporate the Ontonagon Mining Company of Michigan, approved March 28, 1848.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That an act entitled an act to incorporate the Ontonagon Mining Company of Michigan, approved March 28th, 1848, be and the same is hereby amended by inserting between the words "into" and "shares," in the second line of section second, the words "ten thousand," and by striking out of the third line of the same section the words "one hundred," and inserting in lieu thereof the word "thirty," so that the first clause of said section second, as amended, shall read as follows: "Sec. 2. The said company shall have corporate succession; its capital stock shall be three hundred thousand dollars, divided into ten thousand shares of thirty dollars each." Act amend-
ed.

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Sec. 2. This act shall take effect and be in force from and after its passage.

Approved January 22, 1850.

[No. 6.]

AN ACT to extend the time for the collection of taxes for the year eighteen hundred and forty-nine, in the city of Monroe.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Michigan, That the time for the collection of taxes in the city of Monroe, for the year eighteen hundred and forty-nine, is hereby extended until the first Monday in March, eighteen hundred and fifty.

Time for
collection of
taxes exten-
ded.

Duty of
collector.

Sec. 2. The collector of said city is hereby authorized and empowered to proceed and collect said taxes as fully as he could do in the life-time of his warrant, and to make his return at any time on or before the first Monday of March next, and the said warrant is hereby continued in full force and virtue for the purpose aforesaid until the said first Monday in March next.

Ibid.

Sec. 3. It shall be the duty of the collector of said city, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the life time of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of said county.

Transcript
of unpaid
taxes to be
returned to
Aud. Gen'l.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner and with interest computed from the same time as other taxes for the year eighteen hundred and forty-nine, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 24, 1850.

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[No. 7.]

AN ACT to extend the time for the collection of taxes in the township of Coldwater in the county of Branch.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the time for the collection of taxes in the township of Coldwater, in the county of Branch, for the year eighteen hundred and forty-nine, is hereby extended to the first Monday of March next. Time for collection of taxes extended.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could have done during the life time of his warrant, and make his return at any time on or before the first Monday of March next, and the said warrant is hereby continued in full force and virtue for the purpose aforesaid until the said first Monday of March next. Duty of treasurer.

Sec. 3. It shall be the duty of the said treasurer, before he shall be entitled to the benefits of this act, to pay over all moneys collected during the life time of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of the county of Branch. Id.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner and with interest computed from the same time as other taxes for the year eighteen hundred and forty-nine, duly returned to the Auditor General for non-payment. Transcript of unpaid taxes to be returned to Aud. Gen'l.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 24, 1850.

[No. 8.]

AN ACT to extend the time for the collection of Taxes in the Township of Monroe in the County of Monroe.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the collection of taxes in the township of Monroe in the county of Monroe, for the year eighteen hundred and forty-nine, is hereby extended to the first day of March next. Time for collection of taxes extended.

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Duty of
treasurer.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could have done during the life time of his warrant, and make his return on or before the first day of March next, and the said warrant is hereby continued in full force and virtue, for the purpose aforesaid, until the said first day of March next.

Ibid.

Sec. 3. It shall be the duty of said treasurer, before he shall be entitled to the benefits of this act, to pay over all moneys collected during the life time of his warrant as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of the county of Monroe.

Transcript
of unpaid
taxes to be
returned to
Aud. Gen'l.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner and with interest computed from the same time as other taxes for the year eighteen hundred and forty-nine, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 25, 1850.

[No. 9.]

AN ACT to extend the time for the collection of taxes for the year eighteen hundred and forty-nine, in the townships of Albion in the county of Calhoun, and Raisinville and Frenchtown in the county of Monroe.

Time for
collection of
taxes exten-
ded.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the collection of taxes in the townships of Albion in the county of Calhoun, and Raisinville and Frenchtown in the county of Monroe, for the year eighteen hundred and forty-nine is hereby extended until the first Monday in March, eighteen hundred and fifty.

Duty of
treasurers.

Sec. 2. The treasurers of said townships respectively, are hereby authorized and empowered to proceed and collect said taxes as fully as they could do in the life time of their warrants and to make their returns at any time on or before the first Monday of March next, and the said warrants are hereby continued in full force and virtue for the purpose aforesaid until the said first Monday in March next.

Ibid.

Sec. 3. It shall be the duty of each of the treasurers of said town-

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ships, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the life time of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of his county.

Sec. 4: A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time as other taxes for the year eighteen hundred and forty-nine, duly returned to the Auditor General for non-payment.

Transcript of unpaid taxes to be returned to Aud. Gen'l.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 26, 1850.

[No. 10.]

AN ACT to authorize the Supervisor of the Township of Campbell in the County of Ionia, to renew the warrant for the collection of Taxes in said Township.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the supervisor of the township of Campbell in the county of Ionia, be and he is hereby authorized and empowered to issue a new warrant to the township treasurer of said township for the collection of the balance of taxes remaining uncollected in said township, which said warrant shall require said treasurer to collect all such taxes as remain unpaid on the tax list in his hands, and pay over all such portions thereof as were assessed for state and county purposes to the treasurer of said county of Ionia on or before the first Monday in March next, and for that purpose the said township treasurer shall be vested with all the powers, and subject to the same liabilities as he would have been upon an original legal warrant.

Supervisor of Campbell to issue new warrant.

Sec. 2. Before the warrant above mentioned shall be delivered by the supervisor of said town of Campbell to the treasurer of said township, said treasurer shall execute and deliver to said county treasurer, a new bond in double the amount of such taxes remaining unpaid, to be approved by said county treasurer, and conditioned

Duties of supervisor and town treasurer.

that the said township treasurer shall account for and pay over to said county treasurer, the amount specified in the assessment roll and tax list annexed to the warrant in his hands for state and county purposes, on or before the first Monday of March next.

Return of
unpaid taxes.

Sec. 3. A transcript of all unpaid taxes returned to the county treasurer, in pursuance of the foregoing provisions shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner and with interest computed from the same time as other taxes for the year eighteen hundred and forty-nine, duly returned to the Auditor General for non-payment.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved January 29, 1850.

[No. 11.]

AN ACT to extend the time for the collection of taxes in the city of Detroit, for the year eighteen hundred and forty-nine.

Time for
collection of
taxes extended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the collection of the State and county taxes in the city of Detroit for the year eighteen hundred and forty-nine, is hereby extended until the first Monday of April next.

Duty of
collectors.

Sec. 2. The collectors of the several wards of said city are hereby authorized to proceed and collect said taxes as fully as they might do during the life time of their warrants for that purpose, and to make their returns on or before the first Monday in April next; and said warrants are continued in full force for said purpose until said time.

Ibid.

Sec. 3. It shall be the duty of the several collectors aforesaid, before they shall be entitled to the benefits of this act, to pay over all moneys collected during the life time of their warrants as now provided by law, and to renew their official bonds to the satisfaction of the treasurer of the county of Wayne.

Return of
unpaid taxes.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner and with interest computed

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from the same time as other taxes for the year eighteen hundred and forty-nine, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 29, 1850.

[No. 12.]

AN ACT to provide for the payment of Samuel Ashman, while claiming a seat in the House of Representatives.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the State Treasurer be and is hereby authorized to pay upon the certificate of the Speaker of the House of Representatives, such sum as may be due Samuel Ashman, for travel to and from the Capitol, at the rate of three dollars for every twenty miles, and three dollars for every day's attendance while claiming a seat as a member of the House of Representatives, during the present session. Payment of Samuel Ashman authorized.

Sec. 2. That there be appropriated out of any money in the State treasury not otherwise appropriated, a sum sufficient for the purpose aforesaid.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved January 29, 1850.

[No. 13.]

AN ACT to amend the charter of the city of Detroit.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the mayor, recorder and aldermen of the city of Detroit are hereby authorized to divide the city of Detroit into three districts, for the purposes of assessment; such districts to consist of contiguous wards, and as near as may be equal to each other in population and aggregate value of property; the common council of said city may hereafter divide the said city into such assessment districts as may in their judgment become necessary. City of Detroit to be divided into 3 assessment districts.

Officers to
be chosen
at charter
election.

Sec. 2. There shall be chosen at the charter election for the year eighteen hundred and fifty, by the electors of the assessment districts respectively, one assessor for each of said districts, who shall at the time of his election be a resident of said district, one of whom shall be elected annually thereafter at the charter election of said city, and shall hold his office for the term of three years, and until his successor shall be elected and qualified; and in case of the death, resignation or removal from office of either or any of such assessors, the vacancy thereby created may be temporarily filled by the common council till the charter election then next ensuing, when one assessor shall be elected for the residue of such unexpired term.

Duty of city
clerk.

Sec. 3. At the first meeting of the common council next ensuing the charter election in the year one thousand eight hundred fifty, the city clerk, under the inspection and direction of the said common council, shall cause to be written on separate pieces of paper as near alike as may be, the numbers one, two and three, and shall roll them up as nearly alike as may be, and deposit them in a box, and the persons elected assessors shall severally draw one of said pieces of paper, and shall be classed according to the number written on the paper so drawn by him, and shall hold his office for such number of years, either one, two or three as shall compare with such number drawn.

Assessors—
how elect'd.

Duty of as-
sessor.

Sec. 4. The three assessors so chosen from said districts shall once in each year, and between such periods therein as the common council may from time to time fix and appoint, jointly appraise all the real and personal estate in all three of said districts, and shall together make cut and sign the assessment rolls of all the taxable persons and property in said three districts, making a separate roll for each district in the manner already provided for by law.

Ward in-
spectors.

Sec. 5. At every ward election after the annual charter election for the year eighteen hundred and fifty, the ward inspectors shall consist of the two aldermen of their respective wards, and a third person to be chosen viva voce by the electors present, from their number at the time of opening the polls, who shall be duly sworn to a faithful performance of their duties; and if from any cause, either or both of said aldermen shall fail to attend any such election, his or their places may be supplied for the time being, by the electors present, who shall elect any of their number viva voce.

Sec. 6. The common council of the city of Detroit shall have power to charge interest at a rate not exceeding twenty-five per cent. ^{Powers of} per annum on the amount of any tax or assessment for the non-pay- ^{Com. Coun- cil.} ment of which, any lands, tenements or hereditaments may hereaf- ter be returned or sold, and shall have power to pass such ordinan- ces as they may deem expedient, in relation to the apportionment of said interest and the collection of the same, and the amounts or rate of interest to be paid upon the redemption of any premises so sold: *Provided*, The same shall not exceed the rate of twenty-five per cent. ^{Proviso.} per annum.

Sec. 7. The notice of the sale of all real estate, subject to be sold ^{Notice of} for the payment of any tax or assessment in said city, shall be pub- ^{sale of real estate.} lished once a week for four successive weeks, in the official paper of said city, which said notice shall be sufficient, and in lieu of any no- tice or notices now required by the charter of said city or any of the amendments thereto.

Sec. 8. The said common council shall have power to pass such ^{Powers of} ordinances as they may deem expedient in relation to the assessing ^{Com. Coun- cil.} of the road tax in said city, and as to the time and manner of apply- ing the same, and providing for the payment and collection of the same, and whether the same shall be paid and collected in labor, mo- ney or otherwise, as they deem best; provided such road tax shall not in amount exceed the rates now fixed by law.

Sec. 9. Whenever to the the common council it shall appear nec- ^{Assistant} essary, they may direct the marshal of said city to nominate an as- ^{marshal.} sistant marshal, and when the person so nominated shall have been approved by the council, and shall have filed such security as the council shall direct and approve, he shall have full power and au- thority to do and perform all things that may now be done and per- formed by said marshal. The common council shall have power to prescribe the compensation of said assistant marshal, and may re- ^{Compensa- tion.} move him from office whenever in their judgment it shall be proper so to do, by a vote of the majority of the members present at any meeting of the council.

Sec. 10. The common council of said city shall have power, in ^{Power of} addition to the tax now authorized to be levied by the charter of said ^{Com. Coun- cil to levy and collect additional tax.} city, to cause to be levied and collected in the manner prescribed by the said charter, or any amendment thereof, a sum not exceeding

twenty thousand dollars, as follows: for the year eighteen hundred and fifty-one, a sum not exceeding ten thousand dollars, and for the year eighteen hundred and fifty-two, a further sum not exceeding ten thousand dollars: *Provided*, That the consent of the taxable inhabitants of said city to the proposed levy, be first obtained at a public meeting of said taxable inhabitants, to be convened by the proclamation of the mayor of said city: *And provided further*, That the sums or any part thereof so raised, shall be applied in payment of the city debt, and the interest thereof, and to no other purpose.

Provided.

Ibid.

Sec. 11. This act shall take effect and be in force from and after its passage.

Approved January 30, 1850.

[No. 14.]

AN ACT to vacate a portion of the village of East St. Joseph.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all of that portion of the recorded plat of the village of East St. Joseph, in the county of St Joseph, comprising sections from number one to number forty-four inclusive, be, and the same is hereby vacated.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved January 30, 1850.

[No. 15.]

AN ACT to extend the time for the collection of taxes for the year eighteen hundred and forty-nine in the township of Erie in the county of Monroe.

Time for
the collection
of taxes
extended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the collection of taxes in the township of Erie, Monroe county, for the year eighteen hundred and forty-nine, is hereby extended until the first Monday in March, eighteen hundred and fifty.

Duty of collector.

Sec. 2. The collector of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could do

in the life time of his warrant, and to make his return at any time on or before the first Monday of March next, and the said warrant is hereby continued in full force and virtue for the purpose aforesaid until the said first Monday in March next.

Sec. 3. It shall be the duty of the collector of said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the life time of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of said county. Duty of collector

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner and with interest computed from the same time as other taxes for the year eighteen hundred and forty-nine, duly returned to the Auditor General for non-payment. Transcript of unpaid taxes, when returned & how collected.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 30, 1850.

[No. 16.]

AN ACT to extend the time for the collection of taxes in the township of Bruce in the county of Macomb.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the time for the collection of taxes in the township of Bruce in the county of Macomb, for the year eighteen hundred and forty-nine, is hereby extended until the first Monday of March next. Time for collection of taxes extended.

Sec. 2. The treasurer of said township of Bruce is hereby authorized and empowered to proceed and collect said taxes as fully as he could do during the life time of his warrant, and make his return at any time on or before the first Monday of March next, and his said warrant is hereby continued in force for the purposes aforesaid until the first Monday of March next. Duty of treasurer.

Sec. 3. It shall be the duty of the treasurer aforesaid, before he shall be entitled to the benefits of this act, to pay over all moneys collected in the life time of his warrant, as is now provided by law,

and to renew his official bond to the satisfaction of the treasurer of the county of Macomb.

Return of
unpaid taxes.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and with the same effect, and such unpaid taxes so returned shall be collected in the same manner and with interest computed from the same time, as the annual taxes for the year eighteen hundred and forty-nine, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 31, 1850.

[No. 17.]

AN ACT to extend the time for the collection of taxes for the year eighteen hundred and forty-nine, in the township of Hamilton, Van Buren county.

Time extended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the collection of taxes in the township of Hamilton, in the county of Van Buren, for the year eighteen hundred and forty-nine, is hereby extended until the first Monday in March, eighteen hundred and fifty.

Duty of collector

Sec. 2. The collector of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could do in the life time of his warrant, and to make his return at any time on or before the first Monday of March next; and the said warrant is hereby continued in full force and virtue for the purpose aforesaid until the said first Monday in March next.

Dial.

Sec. 3. It shall be the duty of the collector of said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the life time of his warrant as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of said county.

Unpaid taxes—how returned.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner and with interest compu-

ted from the same time as other taxes for the year eighteen hundred and forty-nine, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved February 1, 1850.

[No. 18.]

AN ACT to amend an act entitled an act to enable the executors or administrators of the estate of James B. Clark, deceased, to sell certain land, approved March 31st, 1849.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That an act to enable the executors or administrators of James B. Clark, deceased, approved March 31st, 1849, be, and the same is hereby amended by striking out the word "east," in the fifth line of section one, of said act as printed, and by inserting in place thereof, the word "west." Act amended.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 5, 1850.

[No. 19.]

AN ACT to extend the time for the collection of taxes for the year eighteen hundred and forty-nine, in the township of Jackson in the county of Jackson, and in the township of Gross Point in the county of Wayne.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the time for the collection of taxes in the township of Jackson in the county of Jackson, and in the township of Gross Point in the county of Wayne, for the year eighteen hundred and forty-nine, be, and the same is hereby extended until the first Monday in March, eighteen hundred and fifty. Time for the collection of taxes extended.

Sec. 2. The treasurers of said townships are hereby authorized and empowered to proceed and collect said taxes, as fully as they could do in the life time of their warrants, and to make their returns Duty of treasurers.

at any time on or before the first Monday of March next; and said warrants are hereby revived and continued in full force and virtue for the purpose aforesaid until the said first Monday of March next.

Duty of
treasurers.

Sec. 3. It shall be the duty of the treasurers of said townships, before they shall be entitled to the benefit of this act, to pay over all moneys collected during the life time of their warrants as is now provided by law, and to renew their official bonds to the satisfaction of the treasurers of said counties.

Return of
unpaid taxes.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer, in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time as other taxes for the year eighteen hundred and forty-nine, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved February 5, 1850.

[No. 20.]

AN ACT to amend section twelve, chapter seventy, title seventeen of the revised statutes, in reference to executors and administrators.

Act amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That there be added at the conclusion of section twelve, chapter seventy, title seventeen of the revised statutes, as a part of said section, the following words, viz: and every executor and administrator, upon his request, may be allowed to resign his trust, when it shall appear to the judge of probate proper to allow the same: *Provided,* Such executor or administrator shall, prior, and up to the time of his resignation, settle and adjust his accounts with the estate of which he may be executor or administrator: *Provided further,* That the sureties of such executor or administrator shall not be released from liability until such executor or administrator shall have fully settled and adjusted his accounts as aforesaid.

Proviso.

Proviso.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 5, 1850.

[No. 21.]

AN ACT to extend the time for the collection of taxes for the year eighteen hundred and forty-nine, in the township of Leoni, county of Jackson.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the collection of taxes in the township of Leoni, county of Jackson, for the year eighteen hundred and forty-nine, is hereby extended until the first Monday in March, eighteen hundred and fifty. Time for collection of taxes extended.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could do in the life time of his warrant, and to make his return at any time on or before the first Monday of March next, and the said warrant is hereby revived and continued in full force and virtue for the purpose aforesaid until the said first Monday in March next. Duty of treasurer.

Sec. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the life time of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of said county. Ibid.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time as other taxes for the year eighteen hundred and forty-nine, duly returned to the Auditor General for non-payment. Transcript of unpaid taxes to be returned to Aud. Gen'l.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved February 5, 1850.

[No. 22.]

AN ACT to amend an act entitled an act to incorporate the Galesburgh and Grand Rapids Plank Road Company, approved March thirty-first, eighteen hundred and forty-nine.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section three of an act entitled an act to incorporate the Galesburgh and Grand Rapids Plank Road Com- Act amended.

pany, approved March thirty-first, eighteen hundred and forty-nine, be amended by inserting between the word "dollars" and the word "with," the words "in shares of twenty dollars each, with the privilege of increasing the same to one hundred thousand dollars;" so that the section as amended shall read: "the capital stock of said company shall be fifty thousand dollars, in shares of twenty dollars each, with the privilege of increasing the same to one hundred thousand dollars, with a corresponding increase in the number of shares."

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved February 5, 1850.

[No. 23.]

AN ACT to amend the Revised Statutes, and to provide for the election of certain officers by the people, in pursuance to an amendment of the Constitution.

Sec. 2 of
chap. 3, title
2 of R. S.
amended

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section two of chapter three in title two of the revised statutes of 1846, be amended by inserting in the third line thereof, as printed, after the words "Lieutenant Governor," the words "Judges of the Supreme Court, Auditor General, State Treasurer, Secretary of State, Attorney General, Superintendent of Public Instruction." Also, after the word "Sheriffs," in the seventh line of said section as printed, the words "Prosecuting Attorneys."

Sec. 2 of
chap. 4, title
2 of R. S.
amended.

Sec. 2. That section two of chapter four, in title two of said revised statutes, be amended by inserting in the third and seventh lines of said section as printed, after the words "Lieutenant Governor," the words "Judges of the Supreme Court, Auditor General, State Treasurer, Secretary of State, Attorney General, Superintendent of Public Instruction." Also, by adding to said section, "he shall also in the year eighteen hundred and fifty, cause to be delivered to the Sheriffs of the proper counties, notices of election as aforesaid, of Prosecuting Attorneys whose terms of office expire in eighteen hundred and fifty-one; and in the year eighteen hundred and fifty-one, notices of election as aforesaid, of Prosecuting Attorneys whose terms of office expire in eighteen hundred and fifty-two."

Section of
state officers
—when held

Sec. 3. The first election of the State officers herein named shall be held at the next general election; and until the several officers

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named in this act shall be elected and qualified, and enter upon the discharge of the duties of their respective offices, all vacancies shall be filled in compliance with the provisions of the constitution and the law.

Sec. 4. That all the provisions of law relating to the election, canvass and returns of votes for the offices of Governor and Lieutenant Governor shall be applicable to, and govern the proceedings in the election, canvass and returns of votes for the State officers named in this act, and the result shall be determined in the same manner as those for Governor and Lieutenant Governor; and all the provisions of law relating to the election and canvass of votes for county officers shall be applicable to, and govern the proceedings in the election and canvass of votes for Prosecuting Attorneys, and the result shall be certified and determined in the same manner as other county officers.

Result; how determined.

Sec. 5. This act shall take effect and be in force from and after its passage; and during the present session of the Legislature it shall be the duty of the Governor, by and with the advice and consent of the Senate, to appoint a Secretary of State, an Auditor General, and Prosecuting Attorneys for the several counties, to act from and after the expiration of the terms of the present or late incumbents. And there shall be appointed by a joint vote of the two Houses, during the present session of the Legislature, a State Treasurer to act from and after the term of the present incumbent; and it shall be the duty of the Governor during the recess of the Legislature to appoint persons to all constitutional offices which may be vacant during such recess, and to fill all vacancies in such offices which may occur previous to the election of such officers by the people; such appointments to continue until such officers shall be elected and qualified: *Provided, always,* That all appointments to office under the provisions of this section shall expire, cease and determine on or before the first Monday of January next.

Duty of the Governor.

State treasurer to be appointed in joint convention.

Vacancies; how filled.

Provide.

Approved February 16, 1850.

pany, approved March thirty-first, eighteen hundred and forty-nine, be amended by inserting between the word "dollars" and the word "with," the words "in shares of twenty dollars each, with the privilege of increasing the same to one hundred thousand dollars;" so that the section as amended shall read: "the capital stock of said company shall be fifty thousand dollars, in shares of twenty dollars each, with the privilege of increasing the same to one hundred thousand dollars, with a corresponding increase in the number of shares."

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved February 5, 1850.

[No. 23.]

AN ACT to amend the Revised Statutes, and to provide for the election of certain officers by the people, in pursuance to an amendment of the Constitution.

Sec. 2 of
chap. 3, title
2 of R. S.
amended

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section two of chapter three in title two of the revised statutes of 1846, be amended by inserting in the third line thereof, as printed, after the words "Lieutenant Governor," the words "Judges of the Supreme Court, Auditor General, State Treasurer, Secretary of State, Attorney General, Superintendent of Public Instruction." Also, after the word "Sheriffs," in the seventh line of said section as printed, the words "Prosecuting Attorneys."

Sec. 2 of
chap. 4, title
2 of R. S.
amended.

Sec. 2. That section two of chapter four, in title two of said revised statutes, be amended by inserting in the third and seventh lines of said section as printed, after the words "Lieutenant Governor," the words "Judges of the Supreme Court, Auditor General, State Treasurer, Secretary of State, Attorney General, Superintendent of Public Instruction." Also, by adding to said section, "he shall also in the year eighteen hundred and fifty, cause to be delivered to the Sheriffs of the proper counties, notices of election as aforesaid, of Prosecuting Attorneys whose terms of office expire in eighteen hundred and fifty-one; and in the year eighteen hundred and fifty-one, notices of election as aforesaid, of Prosecuting Attorneys whose terms of office expire in eighteen hundred and fifty-two."

Section of
State officers
—when held

Sec. 3. The first election of the State officers herein named shall be held at the next general election; and until the several officers

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named in this act shall be elected and qualified, and enter upon the discharge of the duties of their respective offices, all vacancies shall be filled in compliance with the provisions of the constitution and the law.

Sec. 4. That all the provisions of law relating to the election, canvass and returns of votes for the offices of Governor and Lieutenant Governor shall be applicable to, and govern the proceedings in the election, canvass and returns of votes for the State officers named in this act, and the result shall be determined in the same manner as those for Governor and Lieutenant Governor; and all the provisions of law relating to the election and canvass of votes for county officers shall be applicable to, and govern the proceedings in the election and canvass of votes for Prosecuting Attorneys, and the result shall be certified and determined in the same manner as other county officers. Result; how determined.

Sec. 5. This act shall take effect and be in force from and after its passage; and during the present session of the Legislature it shall be the duty of the Governor, by and with the advice and consent of the Senate, to appoint a Secretary of State, an Auditor General, and Prosecuting Attorneys for the several counties, to act from and after the expiration of the terms of the present or late incumbents. And there shall be appointed by a joint vote of the two Houses, during the present session of the Legislature, a State Treasurer to act from and after the term of the present incumbent; and it shall be the duty of the Governor during the recess of the Legislature to appoint persons to all constitutional offices which may be vacant during such recess, and to fill all vacancies in such offices which may occur previous to the election of such officers by the people; such appointments to continue until such officers shall be elected and qualified: *Provided, also,* That all appointments to office under the provisions of this section shall expire, cease and determine on or before the first Monday of January next. Duty of the Governor.

State treasurer to be appointed in joint convention.

Vacancies; how filled.

Provided.

Approved February 16, 1850.

[No. 24.]

AN ACT to extend the time for the collection of taxes in the town of Ionia in the county of Ionia.

Time for
collection of
taxes extended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the collection of taxes in the township of Ionia in the county of Ionia, for the year eighteen hundred and forty-nine, is hereby extended until the first Monday of April next.

Duty of
treasurer.

Sec. 2. The treasurer of the said township of Ionia is hereby authorized and empowered to proceed and collect said taxes as fully as he could do during the life time of his warrant, and make his return at any time on or before the first Monday of April next, and his said warrant is hereby revived and continued in force for the purposes aforesaid until the first Monday of April next.

Ibid.

Sec. 3. It shall be the duty of the treasurer aforesaid, before he shall be entitled to the benefit of this act, to pay over all moneys collected in the life time of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of the county of Ionia.

Transcript
of unpaid
taxes—how
returned.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable and with the same effect, and such unpaid taxes so returned shall be collected in the same manner and with interest computed from the same time as the annual taxes for the year eighteen hundred and forty-nine, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved February 18, 1850.

[No. 25.]

AN ACT to provide for the graduation of the price of tuition in school districts, and to amend an act entitled an act to enlarge the powers and increase the number of officers in school districts in certain cases, approved March 31, 1849.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the district board in any school dis-

trict in which the scholars have been or may be classified as provided in section number ninety-two or ninety-three of chapter number fifty-eight of the revised statutes, and the act or acts amendatory thereto, shall have power to graduate the price of tuition according to the studies pursued by the scholars respectively, in such manner as the said board shall deem just. Price of tuition in school districts graduated.

Sec. 2. The rate bills made out in accordance with the graduation provided for in the preceding section, shall have the same force and be collected in the same manner as the rate bills in other cases. Rate bills—how collected.

Sec. 3. Subdivision five of section one of the act entitled an act to enlarge the powers and increase the number of officers in school districts in certain cases, approved March 31, 1849, is hereby amended by inserting after the word "enlarged," in the second line of said subdivision as printed, the words "nor diminished;" so that when amended it will read: Act amended.

"5. The boundaries of districts that may avail themselves of this act shall not be enlarged nor diminished, without the written approval of a majority of the enlarged district board."

Sec. 4. This act shall take effect immediately.

Approved February 18, 1850.

[No. 26.]

AN ACT making an appropriation to pay the services and expenses of the Agent of this State for the encouragement of immigration.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the sum of nine hundred dollars is hereby appropriated out of any moneys in the treasury to the credit of the general fund, not otherwise appropriated, for the payment of Edward H. Thomson, the Agent of this State, heretofore appointed under the joint resolution to encourage immigration, approved February 1, 1849; which sum, when paid, shall be in full satisfaction for all services and expenses of such agent up to the time of the passage of this act. Payment of E.H. Thomson, immigration ag't. authorized.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 18, 1850,

[No. 27.]

AN ACT to vacate a township road in the township of Onondaga in Ingham county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that part of a township road in the township of Onondaga in the county of Ingham, running east and west across the south-west quarter of section twenty-eight in town one north of range two west, be and is hereby taken up and vacated.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 18, 1850.

[No. 28.]

AN ACT to enlarge the powers of the Trustees of the Wesleyan Seminary at Albion.

Branch authorized.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the trustees of the Wesleyan Seminary at Albion, be and they are hereby authorized and empowered to establish at Albion, as a branch of said seminary, a Female College, with powers and privileges usually appertaining to such institutions, under the style and title of the Albion Female Collegiate Institute.

President.

Sec. 2. That the principal of said seminary shall be president of said collegiate institute, and ex-officio a member of the board of trustees. The trustees shall have power to appoint such professors and teachers as may at any time be necessary for the instruction of the pupils therein, and shall have full power to make such rules and

Trustees—their powers and duties.

regulations, not inconsistent with the laws of this State, as they may deem expedient for the government and conduct of said collegiate institute, to prescribe such course of study and such mode of instruction therein as they may judge best; and, on the recommendation of the faculty, to confer on those pupils whom they shall judge worthy thereof, all such literary honors as are usually conferred by the best female colleges and seminaries of the highest rank: *Provided, however*, That nothing contained in this act shall be so construed as to confer the power upon the trustees, officers or faculty of this collegiate institute to confer literary degrees upon males

Proviso.

educated at this institution, and that the course of study shall be at least equal in extent to the graduating course published in the catalogue of the Wesleyan Seminary at Albion for the years eighteen hundred and forty-eight and eighteen hundred and forty-nine.

Sec. 3. That the annual income of said institution may equal but ^{Income.} not exceed the sum of twenty thousand dollars.

Sec. 4. That no certificate of free tuition in said seminary shall ^{Free tuition.} entitle the holder thereof to free tuition in the said collegiate institute, unless it be so expressed on the face of the instrument.

Sec. 5. That all acts or parts of acts relating to the Wesleyan Seminary at Albion, contravening the provisions of this act, be and the same are hereby repealed. ^{Acts repealed.}

Sec. 6. A board of visitors, consisting of three persons, shall be ^{Board of visitors.} appointed by the Superintendent of Public Instruction, whose duty it shall be once in each year to make a personal examination into the state of said seminary and Female Collegiate Institute in all its departments, and to report the result to the Superintendent of Public Instruction, suggesting such improvements as they may deem important; which report he may in his discretion embody in his annual report.

Sec. 7. This corporation shall be subject to the provisions of chapter fifty-five of the revised statutes, so far as the same shall be consistent with the provisions of this act. ^{General provisions.}

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved February 18, 1850.

[No. 29.]

AN ACT to incorporate the Young Ladies' Seminary of the city of Monroe.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Charles Noble, Dan B. Miller, William H. Boyd, Robert McClelland, S. R. Arnold, George Landon, Wedworth W. Clark, David A. Noble, Thomas G. Cole, Norman R. Hascall, Ira Mayhew, Warner Wing, H. Morgan, H. H. Northrop, C. F. Lewis and Charles G. Johnson, together with such other per- ^{incorporation.}

sons as may become members of the incorporation hereby created shall be and they are hereby constituted and declared to be a body corporate and politic, by the name of the Young Ladies' Seminary of the city of Monroe, and in their corporate name may sue and be sued, may have a common seal which they may renew at pleasure, and shall have, enjoy and may exercise all the powers, rights and privileges which appertain to corporate bodies for the purposes mentioned in this act.

Capital. Sec. 2. The capital stock of said corporation shall not exceed the sum of ten thousand dollars, and shall be divided into shares of ten dollars each.

May hold real and personal estate. Sec. 3. The corporation hereby created shall be capable in law to purchase, take, receive, hold and enjoy any estate, real and personal, whatever, to an amount not exceeding ten thousand dollars, and to lease, sell and convey, or otherwise dispose of the same.

Trustees. Sec. 4. There shall be sixteen trustees of said corporation, who shall be members thereof, and who shall manage all the affairs thereof; and the first trustees shall be Charles Noble, Dan B. Miller, William H. Boyd, Robert McClelland, S. R. Arnold, George Landon, Wedworth W. Clark, David A. Noble, Thomas G. Cole, Norman R. Hascall, Ira Mayhew, H. H. Northrop, C. F. Lewis, H. Morgan, Warner Wing and Charles G. Johnson, who shall hold their offices until the third Wednesday in August, eighteen hundred and fifty, and until others are elected in their places.

Meeting and election of trustees. Sec. 5. There shall be, on the third Wednesday in August, eighteen hundred and fifty, and on the third Wednesday in August in every succeeding year, a general meeting of the members of said corporation at some convenient place in the city of Monroe, to be designated by the by-laws of said corporation; and a majority of the members who shall meet in person or by proxy shall elect by ballot sixteen of their number to be trustees of the said corporation for the year then next ensuing.

Officers. Sec. 6. The trustees of said corporation shall have power to choose from out of their number, a president, a treasurer and a secretary, who shall immediately enter upon the duties of their offices, and hold the same from the time of their election until the third Wednesday in August of the ensuing year, and until others are cho-

sen in their stead; and in case any of the trustees shall resign, die, ^{Vacancy: how filled.} refuse or neglect to act, then, and in every such case, the remaining trustees may, within thirty days thereafter, elect by ballot other members of said corporation in their stead, who shall hold their offices in the same manner as those first elected.

Sec. 7. Each member shall be entitled to one vote for each share ^{vote.} of which he shall be the holder. And the said trustees shall receive subscriptions for shares in said corporation until the capital stock may be subscribed; and said shares be assignable and transferable according to such rules as the board of trustees shall from ^{Shares transferable.} time to time make and establish, and shall be considered personal property.

Sec. 8. In case it should at any time happen that an election of ^{Election of trustees.} trustees should not be made on any day, when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be dissolved, but it shall and may be lawful on any other day to hold an election for trustees in such manner as shall be provided by the laws and ordinances of said corporation.

Sec. 9. The trustees may, by their by-laws, make all necessary ^{Special meetings.} rules and regulations for calling special meetings, and changing the time of the annual meetings, and for all other purposes necessary to carry on the true intent and meaning of this act, and not inconsistent with the laws of this State; and a majority of the trustees shall constitute a quorum for the transaction of business.

Sec. 10. A board of visitors, consisting of twelve ladies, shall be ^{Board of visitors.} appointed annually by the trustees, whose duty it shall be to attend all examinations, and from time to time make a personal examination into the state of the seminary, in all its departments, and report the result to the trustees, suggesting such improvements as they may deem important.

Sec. 11. It shall be the duty of the trustees to submit to the ^{Report.} superintendent of public instruction, an annual report, exhibiting the number of pupils in the seminary, and the condition thereof in all its departments, and he may, in his discretion, submit the same to the legislature in his annual report.

Sec. 12. The said corporation shall incur no debt whatever, ^{Shall incur no debt.} except such as may be necessary for the current expenses of each current year: *Provided*, Nothing herein contained shall prohibit said

corporation from executing a mortgage or other security for the balance now due for the purchase of property which has been already made for them.

May be re-
pealed.

Sec. 13. This act shall take effect and be in force from and after its passage. The legislature may at any time alter, amend or repeal this act, by a vote of two-thirds of each House.

Approved February 18, 1850.

[No. 30.]

AN ACT to incorporate the Monroe and Dearborn Plank Road Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Dan B. Miller, John Burch, Alexander M. Arzeno and Jerred Sexton, John B. Grayson, Henry Ledyard, Thomas M. Sweeny, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may, be received to the capital stock of the Monroe and Dearborn Plank Road Company, and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Monroe and Dearborn Plank Road Company, with corporate succession.

Route.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings and appurtenances, from the city of Monroe in the county of Monroe, to the village of Dearborn in the county of Wayne, by the way of Flat Rock in the county of Wayne, with the right of uniting said road at any other point with the plank road of any other company.

Capital.

Sec. 3. The capital stock of said company shall be sixty thousand dollars, to be divided into two thousand shares of twenty-five dollars each; and said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are made a part of this act.

Duration of
charter.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each

Branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of law to which it is subject: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided*, there be no violation of the charter of said company.

Sec. 5. As soon as said company shall be duly organized, the ^{Route,} board of directors thereof are hereby authorized to enter upon and take possession of so much of the Territorial Road, so called, from Monroe to Flat Rock, also so much of the road along which the telegraphic wires run from Flat Rock to Dearborn, and proceed to construct and maintain thereon a plank road: *Provided; however*, That during the construction of said plank road, the said company shall in no wise prevent or improperly obstruct the usual travel thereon.

Sec. 6: This act shall take effect immediately, and the act entitled ^{Act repeal'd} an act to incorporate the Monroe and Flat Rock Plank Road Company, approved April 2, 1849, is hereby repealed..

Approved February 18, 1850.

[No. 31.]

AN ACT to amend an act entitled an act to enlarge the powers and increase the number of officers in school district number four in the township of Ypsilanti, approved March 12, 1849.

Section 1. *Be it enacted by the Senate and House of Representatives* ^{Rate bills graduated.} *of the State of Michigan*, That the district board of school district number four in the township of Ypsilanti in the county of Washtenaw, be and they are hereby authorized and empowered to discriminate in their discretion as to the price to be paid upon the rate bills for teachers' wages by scholars belonging to said district, so that scholars attending said school may pay a price according to the studies each scholar may pursue.

Sec. 2. The rate bills made out in accordance with the provisions of the preceding section, shall have the same binding force and ^{ibid.} effect as rate bills made out under the provisions of law now in force, and shall be collected in the same manner.

District
board em-
powered to
contract
with state
board.

Sec. 3. That the district board of said district be and they are hereby authorized and empowered to contract to pay to the State Board of Education the sum of seven hundred dollars per annum towards the salary of the principal of the model school in connection with the State Normal School, or to supply any number of scholars for the said model school upon such terms and conditions as may be agreed upon between said district board and the State Board of Education.

Sec. 4. This act shall take effect immediately.

Approved February 18, 1850.

[No. 32.]

AN ACT to incorporate the Union Society of Livonia.

Incorpora-
tion.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Erastus Starkweather, Edwin Fuller, Calvin Whipple, Jacob Everett and Dexter Briggs, and such other persons as may be associated with them, and their successors in office, be and they are hereby constituted a body corporate and poilitic, under the name and style of the Union Society of Livonia, subject to the provisions relating to corporations contained in chapter fifty-five of the revised statutes of eighteen hundred and forty-six, and such amendments thereto as may be made from time to time by the Legislature.

Authorized
to build and
purchase
site.

Sec. 2. The persons named in the preceding section, and their successors in office, shall have power and are hereby authorized to build in the town of Livonia and county of Wayne, a house for religious worship and lectures, and all other public uses and purposes, and to establish such rules and by-laws for the government of the same as may from time to time be necessary, provided such rules and by-laws are not inconsistent with the constitution and laws of the United States, or of this State; and they shall faithfully apply all funds or other property that may be received by them for that purpose, to purchase a suitable site for, and in the erection of a building for the purposes above named.

Sec. 3. The trustees of said institution, elected in pursuance of chapter fifty-five of the revised statutes, shall be in law capable of acquiring and holding by purchase, gift, grant, devise or bequest or

otherwise, and of selling, conveying or leasing any estate, real, personal or mixed, in value not exceeding the sum of five thousand dollars, for the use of said corporation and no other, and shall hold for the use of said corporation, any estate, real or personal, heretofore conveyed to the members of said corporation for the purposes aforesaid, and shall be held liable for all debts of said corporation as partners in trade, after the corporate property shall have been exhausted.

Trustees may hold & sell real and personal estate and liable for debts.

Sec. 4. This act shall take effect and be in force from and after its passage. The Legislature may at any time alter, amend or repeal this act, by a vote of two-thirds of each House.

May be repealed

Approved February 18, 1880.

[No. 33.]

AN ACT in relation to stocks pledged by banks, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the State Treasurer be and he is hereby authorized to change at discretion the stock pledged by the banks as security for circulating notes, and receive others allowed by their acts of incorporation, in exchange.

State treasurer may change stock.

Sec. 2. That all stocks hereafter pledged by the banks shall be received by the State Treasurer at an estimate as provided by their acts of incorporation, but at a rate not above their par value; and for all stocks heretofore pledged by the banks, which have been received at an estimate above their par value, it shall be the duty of the State Treasurer to notify the banks to return, forthwith, notes to the amount of such excess, or to deposit stocks allowed by the acts of incorporation to make up the deficiency—or he may retain the interest due on the stocks to the amount of said excess.

How received.

Sec. 3. That section six of an act to incorporate the President, Directors and Company of the Peninsular Bank, approved March 28, 1849, be and the same is hereby amended by striking out the word "next," in the last line of said section as printed, and by inserting in the place thereof, the words "one thousand eight hundred and fifty-one:" *Provided*, That the said Peninsular Bank shall, within sixty days after the passage of this act, deliver to the State Treas-

Peninsular bank; act amended.

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writer or his authorized agent or agents, the bank note plates of said bank, also all notes printed and not countersigned by said treasurer.

Plates and
notes to be
kept by treas-
urer.

Sec. 4. The said treasurer is hereby required to safely keep the said plates and notes, and from time to time to deliver to said bank such an amount of circulating notes duly countersigned and registered by him, as said bank shall be entitled to under their charter.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved February 18, 1850.

[No. 34.]

AN ACT to amend an act to incorporate the Mount Clemens and Romeo Plank Road Company.

Route ex-
tended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the Mount Clemens and Romeo Plank Road Company shall have power to continue and extend said plank road from some point at or near Gray's Mills, (so called,) in the township of Ray in the county of Macomb, on the most eligible route, to the village of Almont in the county of Lapoe.

Capital.

Sec. 2. Said company shall have the power to increase the capital stock of said company to fifty thousand dollars, with a corresponding increase of the number of shares of twenty dollars each.

General
provisions.

Sec. 3. The said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are made a part of this act.

Sec. 4. This act shall take effect from and after the time at which said company shall file their acceptance, signed by the president and secretary of said company, in the office of the Secretary of State: *Provided,* That said acceptance shall be filed within one year of the passage of this act.

Approved February 18, 1850.

[No. 35.]

AN ACT relative to compensation to the trustees of Michigan Asylums, and the members of the Board of Education.

Section 1. *Be it enacted by the Senate and House of Representatives*

of the State of Michigan, That the Auditor General be, and he is hereby authorized and required to audit and allow to the members of the board of trustees of the Michigan asylums, and to the members of the board of education, the expenses necessarily incurred by them in the discharge of their duties; also, two dollars per day for their services actually and necessarily performed, upon their certifying the same to be correct, and draw his warrant upon the treasury therefor. And it shall be the duty of the State Treasurer to pay said warrants out of any moneys not otherwise appropriated, and charge the same to the asylum fund and to the Normal school endowment fund, respectively.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 19, 1850.

[No. 36.]

AN ACT to extend the time for the completion of the Canal and Locks around the Rapids of Grand River, at Grand Rapids, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section six of act number nineteen of the session laws of eighteen hundred forty-seven, be and the same is hereby amended by striking out the word "three," before the word "years," in the twelfth line of said section, and inserting in lieu thereof the word "four." Act amended.

Sec. 2. The commissioners having control of the construction of the canal and locks around the rapids of Grand River, at Grand Rapids, and of the dam constructed in connection therewith, are hereby invested with full power to alter, modify, or in any manner change the plan and construction of the canal, locks and dam, or any portion thereof, either of such portions as are already constructed or which remain unfinished, as in their discretion they shall deem proper, limited only by the laws now in force regulating the manner, mode of construction, size and dimensions of the canal and locks and the depth of water therein, and the provisions of this act: *Provided*, That the State shall in no manner be made liable beyond the appropriation already made for that purpose, in consequence of any such Commissioners may alter plan. State not liable

alteration, modification, or change as herein provided, or for any portion of the expenses of the completion of said canal, locks and dam.

Engineer;
how appointed.

His duties.

Duties of
commissioners.

Sec. 3. The commissioners are hereby authorized to appoint a competent engineer, who, in addition to the duties now devolving by law upon the engineer appointed by the board of supervisors of the county of Ionia, under act number 216 of the session laws of 1849, shall superintend the completion of said canal, locks and dam, and such alteration and re-construction as said commissioners may direct under the provisions of this act. And the office of the present acting engineer created by the said act be and the same is hereby annulled. All duties now devolving by section one of act number 216, aforesaid, upon the chairman of the board of supervisors of the county of Ionia, shall hereafter be performed by said commissioners or a majority thereof.

Contract
may be extended.

Sec. 5. The commissioners are hereby authorized and required to extend the contract heretofore entered into between the said commissioners and James Davis, for the construction of said canal, locks and dam, until the twentieth day of February, A. D. 1851: *Provided*, That the said Davis shall, within sixty days after the passage of this act, renew said contract, with such alterations and additional requirements in relation to the said canal, locks and dam as such commissioners shall deem proper to impose under the powers conferred upon them by section two of this act, and shall, within the same time, give to said commissioners security for the faithful performance of such contracts so renewed and altered, which security shall be a bond with good and sufficient sureties, to be approved by the judge of probate of Kent county and said commissioners, running to said commissioners and their successors in office, in the penal sum of twenty thousand dollars, conditioned for the faithful performance of such renewed and altered contract; and in case of failure by said Davis to perform the conditions thereof, the said commissioners and their successors in office are hereby authorized to prosecute said bond in their own names, with the addition of their name of office: *Provided, always*, That in case the commissioners shall determine to make any alteration in regard to the construction or relocation of the west half of the dam, which they are hereby

empowered to do, they are hereby authorized to contract with any person or persons other than the said Davis, to make such alteration, if in their discretion they shall deem it expedient so to do; that the State shall not be liable for any damages or claims on account of such alteration or relocation. State not liable.

Sec. 5. In case the said James Davis shall neglect or refuse, within sixty days from the passage of this act, to renew and alter said contract with said commissioners for the construction of said canal, locks and dam, as contemplated in sections two and four of this act, or shall fail to give security for the faithful performance of the same, as in said sections required, it shall be the duty of the commissioners to contract with any other person or persons for the completion of said work as contemplated by this act; and they are hereby authorized to let portions of said work to different persons and in separate contracts: *Provided*, The aggregate of such contracts shall cover the whole work to be done: *And provided further*, That the aggregate compensation provided for in all such contracts shall not exceed the unexpended balance of the appropriation of land heretofore made by the Legislature for the construction of the canal and locks around the rapids of Grand River at Grand Rapids: *And provided further*, That persons taking contracts for the whole or any part of said work, shall give security to the satisfaction of the commissioners for the faithful performance of the same, which may be prosecuted in the same manner as is provided in section four of this act. Commissioners may contract with other persons.

Sec. 6. The engineer to be appointed shall, from time to time, as he shall be requested by any person or persons having a contract for the construction of said work or any part thereof, under the provisions of this act, make estimates of labor performed and materials furnished, either or both, as the case may be, which estimates, when countersigned by the commissioners or a majority of them and filed in the State Land Office, shall entitle the person or persons in whose favor such estimates shall be made, to receive from the person performing the duties heretofore devolved by law upon the Commissioner of the State Land Office, a certificate of purchase for such descriptions of land heretofore selected for that purpose, and for which certificates of purchase have not heretofore been issued, as such commissioners shall direct, and which, at one dollar and twenty-five cents per acre, shall not exceed the amount of such estimates. Engineer; his duties.

Pay of engi-
neer.

Sec. 7. The engineer shall receive for his services three dollars per day, one-half to be audited by the board of supervisors of the county of Kent, and the other half by the board of supervisors of the county of Ionia, and paid by orders on the treasurers of said counties respectively; and the treasurers of the respective counties are hereby required to pay the said orders upon their presentation.

State rights
preserved.

Sec. 8. That no right or interest of the State in and to the use of said canal, and the right of way as connected therewith, shall be impaired by the provisions of this act.

Acts repeal-
ed.

Sec. 9. So much of all acts or parts of acts as contravene the provisions of this act are hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its passage.

Approved February 20, 1850.

[No. 37.]

AN ACT to incorporate the Marshall and Bellevue Plank Road Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Isaac E. Crary, Horatio J. Lawrence, Charles Cameton, Martin S. Brackett and John T. Hayt, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Marshall and Bellevue Plank Road Company, and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Marshall and Bellevue Plank Road Company, with corporate succession.

Route.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings and appurtenances, commencing at or near the railroad depot in the village of Marshall, county of Calhoun, and terminating in or near the village of Bellevue, in the county of Eaton, with the privilege of uniting said road at any point with the road of any other company.

Sec. 3. The capital stock of said company shall be thirty thousand dollars, divided into one thousand two hundred shares of twenty-five dollars each. Capital.

Sec. 4. The directors of said company may commute with any of the stockholders thereof, for any instalments upon their stock, by allowing them instead of paying their subscription in money, to take contracts, on giving satisfactory security for the fulfillment of the same, by furnishing any part of the materials, or executing any part of the construction of said road. Construction.

Sec. 5. This act shall be and remain in force for the term of six-ty years from and after its passage; but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly net profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested. Duration of charter.

Sec. 6. The provisions of all general laws now in force relative to plank roads, shall be and are made a part of this act. General provisions.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved February 23, 1850.

[No. 38.]

AN ACT to amend an act to incorporate the Battle Creek and Hastings Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Battle Creek and Hastings Plank Road Company shall have the power to continue and extend said plank road from the village of Hastings in the county of Barry, to the mouth of the Thornapple river, and thence to the village of Grand Rapids in the county of Kent, on the most eligible route. Route extended.

Sec. 2. Said company shall have the power to increase the capital stock of said company to sixty thousand dollars, with a corresponding increase of shares of twenty dollars each.

General
provisions.

Sec. 3. Said company shall be subject to all general laws now in force relative to plank roads, and the same are made a part of this act.

Shall file
acceptance.

Sec. 4. This act shall take effect and be in force whenever the said company shall file their acceptance in writing, signed by the president and secretary of said company, in the office of the Secretary of State: *Provided*, Such acceptance shall be so filed within one year from the passage of this act.

Approved February 23, 1850.

[No. 39.]

AN ACT to vacate a portion of the village plat of the village of Geneva in the county of Cass, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that portion of the village plat of the village of Geneva, situate in the township of Penn in the county of Cass, and laid out upon the west half of the south-east quarter, and the east half of the south-east quarter of section number thirty, (30,) in township number six (6) south of range number fourteen (14) west, and known as the original plat of the village of Geneva, and so recorded or filed for record in the office of the register of deeds for said county of Cass, be and the same is hereby vacated: *Provided*, That if either of said streets or any of them shall now be used in connection with or as a portion of any public highway, the same shall be excepted from the operation of this act.

Sec. 2. None of the blocks, lots, streets and alleys shall be vacated to the injury of any other person or persons owning property on or upon or adjoining said village plat of Geneva.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved February 23, 1850.

[No. 40.]

AN ACT to repeal act number two hundred and sixty-seven of the session laws of 1849, being an act entitled an act to prevent the transportation of pickled fish without inspection.

Section 1. *Be it enacted by the Senate and House of Representatives*

of the State of Michigan, That act number two hundred and sixty-seven of the session laws of 1849, entitled an act to prevent the transportation of pickled fish without inspection, approved April 2, 1849, be and the same is hereby repealed.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 23, 1850.

[No. 41.]

AN ACT relative to the claim of Alexander Tichworth.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the board of state auditors be and they are hereby authorized and required to examine and settle the claims of Alexander Tichworth against the State, upon the said Alexander Tichworth producing satisfactory evidence that he is legally or equitably entitled to the value of said claim or any part thereof; and upon such evidence being produced said board shall certify the amount so found to be justly due the said Alexander Tichworth, with interest from such time as they shall determine, to the Auditor General, who is hereby authorized and required to draw his warrant on the State Treasurer for the sum so found due, and the State Treasurer is hereby required to pay said warrant out of any money in the general fund not otherwise appropriated.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 23, 1850.

[No. 42.]

AN ACT to revive and continue in force an act entitled an act to incorporate the Chippewa Portage Company, approved March 17, 1847.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act entitled an act to incorporate the Chippewa Portage Company, approved March 17, 1847, be and the same is hereby revived and continued in force, as hereafter amended. Act revived.

Act amend- ed. Sec. 2. That section first of said act be amended by striking out in the second and third lines, the words "W. F. Porter Taylor, Lowell W. Tinker, Joseph B. Brown, Orville B. Dibble," and inserting "Sheldon McKnight, John Hays, John Tallman Whiting, Charles S. Adams," in lieu thereof.

Idid Sec. 3. That section twelve of said act be amended by striking out in the second and third lines, "within two years from the date of the passage of this act," and inserting "on or before the first day of January, eighteen hundred and fifty-two," in lieu thereof.

Sec. 4. This act shall be in force and take effect from and after its passage.

Approved February 25, 1850.

[No. 43.]

AN ACT to amend an act to consolidate the laws in relation to County Courts and for other purposes, approved April 2, 1849:

Act repeal- ed. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan.* That section eight of an act to consolidate the laws in relation to county courts and for other purposes, approved April 2, 1849, be and the same is hereby repealed, and that the following be substituted therefor, and stand for section eight: "Each county court shall hold four general terms in each year at the county seat of the respective counties, as hereinafter prescribed: On the first Tuesdays of April, July, October and January, in the counties of Sanilac, Wayne, Washtenaw, Kent, St. Joseph, Lapeer and Livingston; on the second Tuesdays of said months in the counties of Barry, Oakland, Ionia and Berrien; on the first Tuesdays of May, August, November and February, in the counties of St. Clair, Calhoun, Mackinaw, Cass, Genesee, Clinton and Lenawee; on the second Tuesdays of said last named months, in the counties of Macomb, Ottawa, Van Buren, Saginaw, Hillsdale and Eaton; on the first Tuesdays of March, June, September and December, in the counties of Monroe, Jackson, Kalamazoo and Shiawassee; on the second Tuesdays of said last named months, in the counties of Allegan, Chippewa, Ingham, Branch, and all other counties in this State not heretofore named; and each term shall continue as long as the

Terms of Co. courts.

court may deem it necessary. The court shall be opened at 10 o'clock in the forenoon of the first day of the term."

Sec. 2. This act shall take effect and be in force from and after its passage, except in the counties in the Upper Peninsula, where it shall take effect and be in force on and after the second Tuesday of June next, and all process and recognizances shall be returned, and all causes continued till the quarterly term under this act next ensuing the time to which any cause may have been continued, or any process or recognizance made returnable, unless the same shall have been continued or made returnable at a time fixed by this act.

Approved February 26, 1850.

[No. 44.]

AN ACT to modify an act entitled an act to incorporate the Douglas Houghton Mining Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the Douglas Houghton Mining Company may, at any regular meeting of the stockholders thereof, within two years after the passage of this act, divide the capital stock of said company into shares of not less than thirty nor more than one hundred dollars: *Provided,* That the capital stock of said company shall not be increased beyond the amount in the original act of incorporation mentioned.

Sec. 2. Should the said company adopt the modification in this act contemplated, a statement of the terms of such modification shall, within twenty days after the adoption thereof, be filed in the office of the Secretary of State, and the same shall be conclusive on, and control said company.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved February 27, 1850.

[No. 45.]

AN ACT to modify the act of incorporation of the North Western Mining Company of Detroit.

Section 1. *Be it enacted by the Senate and House of Representatives*

of the State of Michigan, That the North Western Mining Company of Detroit, may, at any regular meeting of the stockholders thereof, within two years after the passage of this act, divide the capital stock of said company into shares of not less than thirty nor more than one hundred dollars: *Provided*, That the capital stock of said company shall not be increased beyond the amount in the original act of incorporation mentioned.

Act amended.
Shall file acceptance. Sec. 2. Should the said company adopt the modification in this act contemplated, a statement of the terms of such modification shall, within twenty days after the adoption thereof, be filed in the office of the Secretary of State, and the same shall be conclusive on, and control said company.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved February 27, 1850.

[No. 46.]

AN ACT amending section 71, chapter 20, of the revised statutes of 1846, in relation to the printing of statements of lands delinquent for taxes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section 71, chapter 20 of the revised statutes of the State of Michigan of the year 1846, be so amended as to authorize the Auditor General to cause the statement of lands delinquent for taxes, as provided by sections 69 and 70 of said chapter 20, for the counties of Saginaw, Lapeer, Barry and Eaton, to be published in a newspaper printed in each of said counties, if there be one which shall have been established therein thirty days prior to the first day of April, A. D. 1850.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 27, 1850.

[No. 47.]

AN ACT to modify the act incorporating the Algonquin Mining Company.

Section 1. *Be it enacted by the Senate and House of Representatives*

of the State of Michigan, That the Algonquin Mining Company ^{Act amended.} may, at any regular meeting of the stockholders thereof, within two years after the passage of this act, divide the capital stock of said company into shares of not less than thirty nor more than one hundred dollars: *Provided*, That the capital stock of said company shall not be increased beyond the amount in the original act of incorporation mentioned.

Sec. 2. Should the said company accept the modification in this act ^{shall file acceptance.} contemplated, a statement of the terms of such modification shall, within twenty days after the adoption thereof, be filed in the office of the Secretary of State, and the same shall be conclusive on and control said company.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved February 27, 1850.

[No. 48.]

AN ACT to authorize Harriet A. Bassett and Lafayette Bassett, of the county of Branch, to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Harriet A. Bassett and Lafayette Bassett, minors, of the county of Branch, be and they are hereby authorized and empowered to sell and convey all their interest in and to all that certain piece or parcel of land, situate in said county of Branch, and described as follows, to wit: The south half of the north-west quarter of section thirty-five, in township six south, range seven west, containing eighty acres, more or less, in as good, sufficient and ample a manner, and with the same effect as if the said Harriet A. and Lafayette were of full age: *Provided*, That no such conveyance shall be of any effect unless the Judge of Probate of said county of Branch, under his hand and the seal of his office, shall certify upon the back of such conveyance his approval of the same, and such approval shall be recorded with the said conveyance: *Provided further*, That the legal guardian or guardians of said minors shall assent to such sale, and sign the approval thereof on the back of the deed, which shall be recorded with the deed.

LAWS OF MICHIGAN.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 28, 1850.

[No. 49.]

AN ACT for the relief of John Conger.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the State Treasurer be and hereby is authorized and required to pay to John Conger, for services rendered as agent of the State under a requisition of the Governor, in pursuing Julius C. Cross, a fugitive from justice, the sum of eighty-five dollars, out of any money in the treasury not otherwise appropriated.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 28, 1850.

[No. 50.]

AN ACT to authorize the board of supervisors of the county of Hillsdale to loan money for the purpose of building a court house with county offices.

Loans authorized.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the board of supervisors of the county of Hillsdale are hereby authorized to loan upon the credit of said county the sum of four thousand dollars in addition to the sum they are now authorized by law to raise, for the purpose of building a court house with county offices in said county.

Bonds; how issued.

Sec. 2. The said board of supervisors, for the purposes of this act, are hereby authorized to issue bonds against said county, or draw warrants on the treasurer of said county in the usual form, in sums of not less than fifty nor more than five hundred dollars each, to the amount of the said sum of four thousand dollars, payable in equal amounts, in two, three, four and five years from the first day of February, 1850, drawing interest at the rate of seven per cent. per annum.

Sec. 3. The said board of supervisors are hereby authorized and Tax. required to levy a tax on the taxable property of said county, as a part of the contingent expenses thereof, sufficient to pay the interest on said bonds or warrants, which shall be drawn as aforesaid, for the purpose of raising money with which to build said court house with county offices, and the treasurer of said county is hereby directed to pay the interest on all such bonds or warrants presented to his office Payment of interest. for payment, at any time after the said interest shall be due, out of any moneys levied and collected for that purpose.

Sec. 4. The board of supervisors of said county shall cause a sufficient sum of money to be raised by tax on the taxable property Tax. of said county to pay and discharge the bonds or warrants made or drawn under this act as fast as the same shall become due.

Sec. 5. This act shall take effect from and after its passage.

Approved February 28, 1860.

[No. 51.]

AN ACT to incorporate the Utica and Almont Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Charles W. Chappel, Joshua Price, Samuel Rodgers, Nathan Dickinson and Calvin Shaw, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Utica and Almont Plank Road Company, and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Utica and Almont Plank Road Company, with corporate succession. Incorporation.

Sec. 2. Said company hereby created shall have power to lay out, establish and construct a plank road, and all necessary buildings, Route. from the village of Utica in the county of Macomb, to Rodger's Mill (so called) in the township of Almont, by the way of the village of Almont in the county of Lapeer, with the right of uniting said road at any point with the plank road of any other company.

Capital. **Sec. 3.** The capital stock of said company shall be forty thousand dollars, in one thousand shares of forty dollars each, with the power to increase said capital stock to fifty thousand dollars, with a corresponding increase of the number of shares.

**Duration of
charter.** **Sec. 4.** This act shall be and remain in force for the term of sixty years from and after its passage; but the Legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided*, There be no violation of the charter of said company.

**General
provisions.** **Sec. 5.** The said company shall be subject to all general laws relative to plank roads, and the same are made a part of this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved February 28, 1850.

[No. 52.]

AN ACT to vacate a part of the plat of Plymouth village in the county of Wayne.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That so much of the recorded plat of Plymouth village in the county of Wayne, as relates to that part or portion of the public square in said village lying east of Main street and south of Spring street, be and the same is hereby vacated.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 28, 1850.

[No. 53.]

AN ACT to organize the County of Tuscola.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the county of Tuscola shall be organized, and the inhabitants thereof entitled to all the rights and privileges to which by law the inhabitants of the other organized counties of this State are entitled. Organiza-
tion.

Sec. 2. That all suits, prosecutions and other matters now pending before any court of record in Saginaw county, or before any justice of the peace in said county, or that shall be pending at the time of the taking effect of this act, shall be prosecuted to final judgement and execution, and all taxes heretofore levied and now due shall be collected in the same manner as though the county of Tuscola had not been organized. Legal pro-
ceedings.

Taxes.

Sec. 3. There shall be elected in the said county of Tuscola, on the first Tuesday of November in the year one thousand eight hundred and fifty, all the several county officers to which by law the said county is entitled; and said election shall in all respects be conducted and held in the manner prescribed by law for holding elections for county and state officers: *Provided*, That until such county officers are elected and qualified, the proper county officers of the county of Saginaw shall perform all the duties appertaining to the said county of Tuscola in the same manner as though this act had not passed: *And provided further*, That the county officers so to be elected shall be qualified and enter upon the duties of their respective offices on the first Monday in January, one thousand eight hundred and fifty-one, and no county buildings shall be erected at the expense of the county until after the county seat shall have been permanently located, as provided for in this act. Election.

Officers.

County build-
ings.

Sec. 4. The board of canvassers in said county under this act shall consist of the presiding inspectors of elections from each township therein, and said inspectors shall meet at the county seat of said county at the time appointed by law for the county canvass, and immediately after the election authorized in the third section of this act, and organize by appointing one of their number chairman and another secretary of said board, and shall thereupon proceed to dis- Canvass.

charge all the duties of a board of county canvassers as in ordinary cases of elections for county and state officers.

Circ't court. Sec. 5. The circuit court for the county of Saginaw shall have the same jurisdiction over said county of Tuscola that it would have, had this act not passed, until otherwise provided by law.

Sheriff; his duty. Sec. 6. That it shall be the duty of the sheriff of said county of Tuscola to provide some suitable place for holding courts in said county, at the county seat thereof, until public buildings shall be erected.

County seat Sec. 7. That the county seat of said county of Tuscola be and the same is hereby fixed and established on the north-west fractional quarter of section (7) in township number eleven north of range number eight (8) east, until the year one thousand eight hundred and sixty, and until the same shall be permanently located as hereinafter provided; and the supervisors elected for the year eighteen hundred and sixty in said county shall have the power and it shall be their duty permanently to locate the county seat of said county.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved March 2, 1850.

[No. 54.]

AN ACT to authorize the common councils of the villages of Marshall and Adrian to discontinue certain streets within the limits of the corporations.

Marshall. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the common council of the village of Marshall be and they are hereby authorized and empowered to discontinue all of River street lying east of Elm street; all of Grand street lying south of Spruce street; all of Eagle street lying south of the north line of the track of the Michigan Central Railroad Company; all of the street lying between lots 326, 327, 338, 339 and lots 340, 341, 350 and 351; also to alter Monroe street between Locust street and Marshall avenue, and discontinue so much thereof as interferes with the track of the railroad aforesaid.

Adrian. Sec. 2. The common council of the village of Adrian is hereby

authorized and empowered to discontinue and vacate North street in the eastern addition to the village of Adrian.

Sec. 3. The owners of the lands adjoining said street shall first give their consent in writing to such vacation, and cause such assent to be recorded in the office of the register of deeds for the proper county, before such vacation shall take effect. Owners' consent.

Approved March 5, 1850.

[No. 55.]

AN ACT to authorize the Trustees of the Methodist Episcopal Church in Mt. Clemens to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the trustees, or a majority of them, of the Methodist Episcopal Church in Mt. Clemens, are hereby authorized to sell and convey by good and sufficient deed, all the right, title and interest of said church in and to the following described lot or parcel of land, situated in the village of Mt. Clemens aforesaid: commencing at the north-west corner of a lot or parcel of land sold to Edward Anscomb, on New street in said Mt. Clemens, thence sixty feet north-westerly on said New street, thence at right angle easterly one hundred and twenty feet, thence southerly sixty feet, and thence at right angle to the place of beginning.

Sec. 2. This act shall take effect from its passage.

Approved March 5, 1850.

[No. 56.]

AN ACT to incorporate the Ypsilanti and Fentonville Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That James M. Edmunds, Benjamin Follett, Isaac N. Conklin and George N. Skinner of Ypsilanti, Robert Le Roy of Fentonville, Robert Crouse of Hartland, and James B. Lee of Brighton, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Ypsilanti and Fentonville Plank Incorporation.

Road Company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Ypsilanti and Fentonville Plank Road Company, with corporate succession.

Route. Sec. 2. Said company hereby created shall have the power to lay out and establish and construct a plank road, and all necessary buildings, from the village of Ypsilanti in the county of Washtenaw, on the most eligible route, by the way of the village of Brighton in Livingston county, to the village of Fentonville in the county of Genesee.

Capital. Sec. 3. The capital stock of said company shall be one hundred thousand dollars, to be divided into four thousand shares of twenty-five dollars each, with the power to increase said capital stock to one hundred and fifty thousand dollars, with a corresponding increase of the number of shares.

Duration of charter. Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided*, There be no violation of the charter of said company.

General provisions. Sec. 5. The said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are made a part of this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 5, 1850.

LAW OF MICHIGAN.

[No. 57.]

AN ACT to incorporate the Plymouth Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Jonathan Shearer, Henry Fralick, Ebenezer J. Penniman, Henry B. Holbrook, Asa H. Otis, Edward Benedict and A. Fisher, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Plymouth Plank Road Company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and polite, by the name and style of the Plymouth Plank Road Company, with corporate succession. ^{incorporation.}

Sec. 2. Said company hereby created shall have power to lay out, establish and construct a plank road, and all necessary buildings, from Plymouth in the county of Wayne, through Livonia, Redford and Greenfield, on the most eligible route to the city of Detroit in said county, or until it intersects some other plank road heretofore chartered leading into said city. ^{Route.}

Sec. 3. The capital stock of said company shall be twenty thousand dollars, in one thousand shares of twenty dollars each, with power to increase said capital stock to thirty thousand dollars, with a corresponding increase of the number of shares. ^{Capital.}

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the Legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly net profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided*, There be no violation of the charter of said company. ^{Duration of charter.}

General
provisions.

Sec. 5. Said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are made a part of this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 5, 1850.

[No. 58.]

AN ACT to amend an act entitled an act relative to Free Schools in the city of Detroit.

Act amend-
ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the thirteenth section of the act entitled an act relative to free schools in the city of Detroit, approved February seventeenth, in the year one thousand eight hundred and forty-two, be and the same is hereby amended by striking out the words "five" and "seventeen," in said section, and inserting in place thereof the words "four" and "eighteen;" so the first clause in said section shall read as follows: "The common council of said city are hereby authorized once in each year to assess and levy a tax on all the real and personal property within said city, according to the assessment roll of that year, which shall not exceed one dollar for every child in said city between the ages of four and eighteen years."

and.

Sec. 2. Section six of an act entitled an act to amend an act entitled an act relative to free schools in the city of Detroit, approved February seventeenth, one thousand eight hundred and forty-two, is hereby amended by striking out all of said section six after the words "fifty dollars," in the ninth line of said section; so that said section shall read as follows: "The board of education of the city of Detroit is hereby authorized, from time to time, on such term or terms of payment as they may deem proper, to borrow a sum of money not exceeding in all the sum of five thousand dollars, for the purposes specified in the first section of this act, at a rate of interest not exceeding seven per cent. per annum, payable semi-annually, and to issue the bonds of said board in such form, and executed in

such manner, as said board may direct: *Provided*, That said board shall issue no bond for a less sum than fifty dollars."

Sec. 3. The removal of any member of the board of education of the city of Detroit, from the ward for which he is elected school inspector, after such election, shall not operate to vacate his office; but notwithstanding such removal, any inspector so removing shall continue to hold his said office, and to be a member of said board, and all provisions of any act or acts which make such removal a vacation of said office, are hereby repealed: *Provided*, The removal of such member shall not be from the city.

Sec. 4. This act shall take effect from and after its passage.

Approved March 5, 1850.

[No. 59.]

AN ACT to amend section sixty, chapter fourteen, title three of the revised statutes of 1846.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section sixty of chapter fourteen, title three of the revised statutes of eighteen hundred and forty-six, be and the same is hereby amended by inserting after word "circuit," and before the word "courts," in the first line of said section, the words "and county."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1850.

[No. 60.]

AN ACT to amend an act to incorporate the Grand Rapids Hydraulic Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section two of an act to incorporate the Grand Rapids Hydraulic Company be and the same is hereby amended by striking out in the sixth line of said section, the words "six hundred," and inserting the word "sixty." And section ten of

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said act is also hereby amended by striking out the word "debt," in the ninth line of said section, and inserting the words "trespass on the case or trespass," in lieu thereof.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1850.

[No. 61.]

AN ACT to provide for holding terms of the Circuit Court in the counties of Ingham and Eaton.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the circuit court of the county of Eaton for the year eighteen hundred and fifty shall be held on the third Monday in July, and the first Tuesday after the fourth Wednesday in October; and the circuit court for the county of Ingham shall be held for said year on the second Wednesday of July, and on the fourth Wednesday in October.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1850.

[No. 62.]

AN ACT to amend an act entitled an act to incorporate the village of Jackson, approved April 3d, 1848.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section twenty-three of an act to incorporate the village of Jackson, approved April 3d, 1848, be and the same is hereby amended by inserting the words "and collection," in the seventh line, after the word "assessment." Also by inserting after the word "taxes," in the said seventh line, the words "and the common council shall have full power and authority to cause such assessments to be collected in the same manner as is by this act provided for the collection of other taxes."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1850.

[No. 63.]

AN ACT for the alteration of the Township lines between the Townships of Ash and Frenchtown, in the county of Monroe.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the following line be and the same is hereby established as the boundary between the townships of Ash and Frenchtown, in the county of Monroe, to wit: beginning at the south west corner of the surveyed township number five south of range nine east, and running thence east along the line between the surveyed townships five and six south, range nine east, to the range line between ranges nine and ten east; thence south on said range line to the intersection of the section line between sections seven and eighteen, in township six south, of range ten east, with said range line; thence east along said section line between said sections seven and eighteen, and between sections eight and seventeen in the township last aforesaid, to the channel of Swan Creek; thence down the channel of said creek to Lake Erie. And that all that part of the present township of Ash which lies south and west of said boundary line be and the same is hereby attached to and made a part of the township of Frenchtown; and all that part of the present township of Frenchtown which lies north of said boundary line be and the same is hereby attached to and made a part of the township of Ash.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1850.

[No. 64.]

AN ACT to legalize the assessment roll of the township of Pulaski in the county of Jackson, for the year eighteen hundred and forty-nine.

Whereas, The assessment roll for the township of Pulaski in the county of Jackson, was not completed until the Saturday next succeeding the first Monday of May, A. D. eighteen hundred and forty-nine; Preamble.

And whereas, The same by law should have been completed on or before the first Monday in May aforesaid; therefore,

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Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the assessment roll for the township of Pulaski in the county of Jackson, for the year A. D. eighteen hundred and forty-nine, be and the same is hereby declared to be as valid and legal as if the same had been made out and completed at the time prescribed by law.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1850.

[No. 65.]

AN ACT to amend section sixty-three, chapter fourteen, and section eight of chapter one of the revised statutes of 1846.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*; That section sixty-three of chapter fourteen of the revised statutes of eighteen hundred and forty-six, be amended by striking out all of said section after the word "office," in the fourth line, and adding in lieu thereof the following: "and the deputy may perform the duties of such clerk;" so that section, when amended, shall read as follows:

Act amended.

"Section 63. Each county clerk shall appoint a deputy, to be approved by the circuit court or the county judge, and may revoke such appointment at his pleasure; which appointment and revocation shall be in writing, under his hand, and filed in his office; and the deputy may perform the duties of such clerk."

Ibid.

Town clerk;
his duties.

Sec. 2. Strike out all after the word "therein," in the fourth line of section eight of chapter one of the revised statutes of 1846, as printed, and insert the following: "and he shall deliver, on demand at his office, to the township clerk of each township, the number of copies to which such township shall be entitled, taking and preserving in his office a receipt for the same; and the township clerk in like manner shall deliver a copy to each public officer in his township entitled thereto, taking and preserving in his office a receipt therefor."

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 5, 1850.

LAWS OF MICHIGAN.

55

[No. 66.]

AN ACT to amend section sixty-five of chapter sixteen of the revised statutes of 1846.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section sixty-five of chapter sixteen of the revised statutes of 1846, be and the same is hereby amended by adding to the end of said section the following, viz: "He shall also open and keep an account with the treasurer of his township, and shall charge such treasurer with all funds which shall come into his hands by virtue of his office, and shall credit him with all moneys paid out by him on the order of the proper authorities of his township. He shall also open and keep a separate account with each of the several funds belonging to his township, and shall credit each of said funds with such amounts as properly belong to them, and shall charge them severally with all warrants drawn on the township treasurer and payable from said funds respectively." Act amended.
ed.

Sec. 2. The Secretary of State shall cause a sufficient amount of copies of this act to be printed to furnish each township clerk in the State two copies thereof, and shall transmit the same at the earliest possible day. Copies furnished.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 5, 1860.

[No. 67.]

AN ACT to repeal an act entitled an act for the dissolution of certain school districts in the county of Oakland, approved March 29th, 1849.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the act entitled "an act for the dissolution of certain school districts in the county of Oakland," approved March 29th, 1849, be and the same is hereby repealed. And that the school district therein referred to, composed of fractional school district number one in the township of White Lake, and fractional school district number three in the township of Commerce in the county of Oakland, be and the same is hereby reinstated in all its Act repealed.
ed.

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franchises and rights of property as the same existed prior to the passage of said act.

Next off-
cers.

Sec. 2. A meeting of the legal voters of said district is hereby authorized to be held at the school house in said district, on the last Monday in March, eighteen hundred and fifty; which meeting is hereby authorized to elect the usual district officers, who shall hold their offices until the last Monday in September thereafter, and until their successors are chosen under the provisions of chapter 50, title 11, of the revised statutes.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 5, 1850.

[No. 68.]

AN ACT to amend an act to create a road fund for the benefit of the German Colonists in Saginaw county, and to authorize the appointment of Commissioners to expend the same, approved March 31st, 1849.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section one of "an act to create a road fund for the benefit of the German Colonists in Saginaw county, and to authorize the appointment of commissioners to expend the same," approved March 31st, 1849, be and the same is hereby amended by inserting between the fifth and sixth lines of said section one, as printed, the words following, to wit: "on the shortest and most direct road from Frankenvrost to Frankenmut."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1850.

[No. 69.]

AN ACT to enable Tracy Richmond, a minor, to convey certain real estate.

Preamble.

Whereas, Simeon Richmond did, in his life time, select and set apart a certain portion of the east half of south west one-fourth of section seventeen, in town one north, of range four east, for a burying ground;

And whereas, The said ground, so selected, has been occupied for a burying ground for ten years last past, and the said Simeon Richmond has died without having conveyed said land to be used for the purposes aforesaid;

And whereas, The said land having descended to Tracy Richmond, a minor, who is desirous of having one acre of the lands aforesaid appropriated for the use and purpose of a burying ground; therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Tracy Richmond be and he is hereby authorized and empowered to make and execute a deed of one acre of land now owned by him on the east one-half of south-west quarter of section seventeen, town one north of range four east, to Freeman Webb, Jr., Benjamin Emans, William Hudson, John Marble, James Rice, and such other persons as may be associated with them, by contributing to the amount of the purchase money, and forming an organization under and according to the provisions of chapter fifty-four of the revised statutes: *Provided,* The judge of probate of Livingston county approve the sale of said land, and endorse his approval of the sale on the deed conveying said land. Authorized to convey.

Sec. 2. The deed, when so executed, and acknowledged in the common form, shall be as good and valid in law as it would have been if the said Tracy Richmond had been of lawful age, and shall invest the above named Freeman Webb, Jr. and his associates and their successors with an absolute title of the land described in said deed, for the purposes contemplated by section one of chapter fifty-four of the revised statutes, and for no other. Title made absolute.

Sec. 3. This act shall take effect immediately.

Approved March 5, 1850.

[No. 70.]

AN ACT to amend an act entitled an act to amend chapter twenty-five of the revised statutes of eighteen hundred and forty-six, relative to laying out, altering or discontinuing highways, approved March 18th, 1848.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section one of an act to amend chap-

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ter twenty-five of the revised statutes of eighteen hundred and forty-six, relative to laying out, altering or discontinuing highways, approved March 18th, 1848, be and the same is hereby amended by inserting in the proviso, after the word "highway," and before the word "no," the following words: "or when a decision on appeal from commissioners shall be against laying out, altering or discontinuing any highway."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1850.

[No. 71.]

AN ACT to extend the time for the return of certain taxes in the township of Dexter in the county of Washtenaw.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the treasurer of the township of Dexter in the county of Washtenaw, be and he is hereby authorized to make his returns of delinquent taxes for the year one thousand eight hundred and forty-nine, to the treasurer of the said county, on or before the twentieth day of March instant, and such returns shall be as valid and have the same force and effect as if it had been made within the time prescribed by law for making like returns in other cases, and the said treasurer of the said county of Washtenaw is hereby authorized and directed to receive said returns, and forward a transcript of the same to the Auditor General on or before the first day of April next.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1850.

[No. 72.]

AN ACT to incorporate the Saginaw and Genesee Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That James Frazier and Norman Little of

Saginaw, and Edward H. Thompson of Flint, Genesee county, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Saginaw and Genesee Plank Road Company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Saginaw and Genesee Plank Road Company, with corporate succession.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from any point in the village of Flint, Genesee county, on the most eligible route to the Saginaw river, with a branch to each ferry in Saginaw City in Saginaw county, with the privilege of a branch to Cass river in Tuscola county. Route.

Sec. 3. The capital stock of said company shall be one hundred thousand dollars, in four thousand shares of twenty-five dollars each. Capital.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the Legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided*, There be no violation of the charter of said company. Duration of charter

Sec. 5. Said company shall be subject to the provisions of an act entitled an act relative to plank roads, approved March 13th, 1848, except so far as otherwise provided in this act. General provisions.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 8, 1850.

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{ No. 73. }

AN ACT to amend an act to incorporate the Saginaw and Grand River Canal Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section two of an act to incorporate the Saginaw and Grand River Canal Company, approved March 30th, 1849, be and the same is hereby amended by inserting after the word "mixed," the words "to an amount not exceeding one hundred thousand dollars, exclusive of their capital stock, and also of their capital stock."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1850.

[No. 74.]

AN ACT to amend an act entitled an act to incorporate the Monroe and Erie Plank Road Company, approved April 3d, 1848.

Act amended.
Ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section two of the act to incorporate the Monroe and Erie Plank Road Company, approved April third, eighteen hundred and forty-eight, be and the same is hereby amended by adding at the end of said section the following words, to wit: " *Provided,* That said company shall commence the construction of their road at the city of Monroe and continue the same southerly, and that the same shall be completed from the city of Monroe to the village of Vienna before the construction of that portion between the village of Vienna and the southern boundary of Michigan."

Directors to
file their as-
sent.

Sec. 2. This act shall not take effect unless the directors of said company shall cause a certificate of their assent to this act to be filed in the office of the Secretary of State of this State within six months after the passage of this act.

Approved March 8, 1850.

LAWS OF MICHIGAN.

66

[No. 75.]

AN ACT to incorporate the Royal Oak and Hastings Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That John Winder, Samuel G. Watson, Johnson Niles, Clark Harris and William G. Stone, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Royal Oak and Hastings Plank Road Company, and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate by the name and style of the Royal Oak and Hastings Plank Road Company, with corporate succession. ^{Incorporation.}

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the railroad depot or such other point in the township of Royal Oak in the county of Oakland as the commissioners may determine, to Hastings in the township of Troy in said county. ^{Route.}

Sec. 3. The capital stock of said company shall be fifteen thousand dollars, in six hundred shares of twenty-five dollars each; and certificates of subscription to stock in said company shall be issued upon the payment of one dollar upon each share, under the direction of a majority of the commissioners. ^{Capital.}

Sec. 4. The company hereby incorporated shall have power to levy and collect tolls as soon as three miles of the road shall have been completed. ^{Tolls.}

Sec. 5. This act shall be and remain in force for the term of fifty years from and after its passage; but the Legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration amendment or repeal shall not be made within thirty years, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above its expenses, shall exceed ten per cent. on the capital ^{Duration of charter.}

stock invested: *Provided*, There be no violation of the charter of said company.

General
provisions.

Sec. 6. The said company shall be subject to the provisions of an act entitled an act relative to plank roads, approved March 13th, 1848, except so far as otherwise provided in this act.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 8, 1850.

[No. 76.]

AN ACT to amend the charter of the city of Detroit.

May levy
tax.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the common council of the city of Detroit shall have power, in addition to the taxes now authorized to be levied by law, to levy and collect a tax not exceeding the sum of twenty thousand dollars upon all the real and personal estate in said city, as follows, to wit: A sum not exceeding six thousand five hundred dollars for the year eighteen hundred and fifty; a further sum not exceeding six thousand five hundred dollars for the year eighteen hundred and fifty-one, and a further sum not exceeding seven thousand dollars for the year eighteen hundred and fifty-two: *Provided*, That the consent of a majority of the taxable inhabitants of said city, attending at a public meeting to be convened by proclamation of the mayor of said city, be first obtained to the proposed levy: *And provided further*, That the sums or any part thereof so raised shall be applied in payment of any bonds heretofore issued or which may hereafter be issued by the said common council for the purpose of defraying the expenses of improving the hydraulic works of said city, and the interest on said bonds, and to no other purpose whatever.

Proviso.

Idid.

May levy
tax.

Sec. 2. The common council of said city shall have power in addition to the taxes mentioned in the first section of this act, to cause to be levied and collected upon all the real and personal estate in said city, a further and additional tax for the year eighteen hundred and fifty, not exceeding the sum of ten thousand dollars: *Provided*, That the consent of the taxable inhabitants of said city be first obtained in the manner provided in the first section of this act: *And*

Proviso.

Idid.

provided further, That said last sum, or any part thereof so raised, shall be applied to the payment of the interest of the city debt of said city, and to no other purpose.

Sec. 3. All acts and parts of acts in relation to the election of assessors in the city of Detroit, passed prior to an act entitled "an act to amend the charter of the city of Detroit," approved January thirtieth, eighteen hundred and fifty, and all acts and parts of acts in any way inconsistent with or contravening the provisions of said last act, are hereby repealed. Acts repealed.

Sec. 4. The assessment made by the assessors elected under the provisions of an act entitled "an act to amend the charter of the city of Detroit," shall be taken and adopted as the regular assessments for the county and state taxes throughout the said city of Detroit. Assessment legalized.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 8, 1850.

[No. 77.]

AN ACT to attach a part of the township of Bertrand, in the county of Berrien, to the township of Niles.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that part of the township of Bertrand in the county of Berrien, which is east of the centre of the St. Joseph river, in town eight south, range seventeen west, be and the same is hereby attached to and made a part of the township of Niles. Township attached.

Sec. 2. All that part of the township of Bertrand hereby attached to and made a part of the township of Niles, shall be entitled to and be liable for all moneys that the township of Bertrand may receive or pay on account of said portion of said township. Township now liable.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 9, 1850.

[No. 78.]

AN ACT to provide for the time, place and manner of holding the Convention to revise the Constitution, and for the election of Delegates thereto.

Election;
when held.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That an election for delegates to the Convention to revise the constitution of the State of Michigan, shall be held on the first Monday of May, in the year of our Lord one thousand eight hundred and fifty. The township board of elections in the several townships, and the inspectors of elections in the different wards and cities of this State, shall, upon the day above mentioned, open the polls of their respective townships, wards or cities, in the manner prescribed by law for the election of Representatives to the State Legislature, at the same place at which the polls may be opened for the election of township, ward and city officers at the next spring election, and shall receive the votes of all electors who are qualified by law to elect Representatives to the State Legislature. The electors shall be entitled to vote for as many persons as shall be entitled to a seat in said Convention from their several counties or districts by the provisions of this act, which votes shall be taken in the same manner as is now provided by law in elections for Representatives to the State Legislature.

Electors.

Sec. of state
to publish
notice.

Sec. 2. The Secretary of State is hereby required to publish the notice of this election, and send copies thereof to the sheriffs of the different counties and districts in this State, which said copies shall be sent to said sheriffs at least three weeks before the day appointed for holding said election. Said notice shall contain the number of delegates and their apportionment to each county and district, and the Secretary of State shall cause said notice to be published in the state paper and in a paper published in each of the counties in this State, (where a paper is published,) three weeks in succession, previous to the day of holding the election. The copies of said notice to be delivered to the sheriffs, as aforesaid, shall contain the number of delegates to which the counties or districts to which such sheriffs belong are respectively entitled; and the said sheriffs shall, immediately on the receipt of said notice, transmit a copy of the substance thereof to each of the township clerks in their respective counties or districts; and the township clerks shall, at least one week

Township
clerks' du-
ties.

prior to the day appointed for said election, post up copies of such notice in three of the most public places in their respective townships.

Sec. 3. The number of delegates in such Convention shall be one hundred, to be apportioned among the several counties and representative districts in this State as follows, viz: the county of Allegan, one; Barry, one; Berrien, three; Branch, three; Calhoun, five; Cass, three; Chippewa and the counties attached thereto for representative purposes, one; Clinton and the counties attached thereto for judicial purposes, one; Eaton, two; Genesee, three; Hillsdale, four; Ingham, two; Ionia and the counties attached thereto for judicial or that may be attached for representative purposes, two; Jackson, five; Kalamazoo, three; Kent and Ottawa and the counties attached to Kent and Ottawa for judicial purposes, three; Lapeer, two; Lenawee, seven; Livingston, four; Mackinac, one; Macomb, four; Monroe, four; Oakland, nine; Saginaw and the counties attached thereto for judicial purposes, one; Shiawassee, one; St. Clair and the counties attached thereto for representative and judicial purposes, three; St. Joseph, three; Van Buren, one; Washtenaw, eight; Wayne, ten.

Sec. 4. The several township boards of election and the inspectors of election of the different wards and cities, shall canvass and return the votes given at said election in the same manner as is now provided by law for the canvass and return of votes given at the election of Representatives; and the county and district boards of canvassers shall be appointed in the same manner, and shall meet and canvass the votes in their respective counties and districts in the same manner and in the same space of time after said election is held as is now provided for by law in the appointment of county and district canvassers, and the meeting and canvassing of votes for Representatives; and certificates of election shall be given to the persons entitled thereto by the same officer and in the same manner as Representatives now receive the same; and the county clerks of their respective counties and districts shall, within five days after such canvass, transmit to the Secretary of State certified copies, under their hands and seals of office, of such canvass in their respective counties and districts; and in case of contested elections to the Convention, the Convention shall have the same power to judge of the qualifications, return and election of its delegates as the Legislature of this State now have.

Apportionment of delegates.

Canvass & return of votes.

Co. clerks; their duties.

When to meet. Sec. 5. The delegates chosen shall meet in convention at the capitol in Lansing, on the first Monday of June, one thousand eight hundred and fifty. They shall be judges of their own privileges and elections, and the delegates thereof shall have the same privileges to which representatives to the State Legislature are entitled, and shall by ballot appoint one of their number president, and may appoint one or more secretaries, a sergeant-at-arms, one or more reporters, and such messengers as their convenience shall require; and such delegates of the Convention shall be entitled to the same mileage for travel and the same per diem allowance as is now paid to members of the Legislature; and the president, secretaries, reporters, sergeant-at-arms, door-keepers and messengers shall receive such compensation as the Convention shall see fit to allow. The amount due each person shall be certified to by the principal secretary of the Convention, and countersigned by the president; and the Treasurer of the State shall pay the certificates so certified to and countersigned, out of any moneys in the treasury not otherwise appropriated; and the said Convention may furnish for its own use such stationery as it may require, as is usual for legislative bodies, and the amount due therefor shall be certified to and paid for in the same manner as the delegates and officers are paid. And it shall be the duty of the Secretary of State to attend said Convention at the opening thereof, and he and all public officers shall furnish such Convention with all such papers, statements, books or other public documents in their possession, as the said Convention shall order or require. And the State Printer shall perform the printing required to be done by said Convention, at such times and in such manner as they shall direct, and said printer shall receive the same compensation and in the same manner as now provided by law for compensation and payment for legislative printing; and in case the said printer shall refuse or neglect to perform the duties aforesaid, the said Convention may appoint a printer to perform said duties, who shall receive the same compensation and in the same manner as is now provided by law for legislative printing.

Stationery.

Documents, &c., furnished.

Printing—how done.

Proceedings filed and recorded. Sec. 6. The proceedings of the said Convention shall be filed in the office of the Secretary of State, and the revision of the constitution agreed to by said Convention shall be recorded in his office. The revision submitted to the people. said revision shall be submitted by the Convention to the people, for

their adoption or rejection, at such time and in such manner as the Convention may prescribe.

Sec. 7. All willful and corrupt false swearing in taking any of the oaths prescribed by this act, or by the laws of this State made applicable to this act, or any other mode or form in carrying into effect this act, shall be deemed perjury, and shall be punished in the manner now prescribed by law for willful and corrupt perjury. Perjury—
how pun-
ished.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved March 9, 1850.

[No. 79.]

AN ACT for the relief of Daniel Munger.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the sum of two hundred and ninety-five dollars and seventy-eight cents is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the payment of Daniel Munger, for balance due him for printing the reports of State Officers for the Legislature of 1849, and for pressing sheets of fall reports, of session laws, Senate and House documents for 1849, and reports of State Officers for the Legislature of 1850.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1850.

[No. 80.]

AN ACT to establish highways in the township of Hartland in the county of Livingston.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all the public highways heretofore recorded in the clerk's office in the township of Hartland in Livingston county, be and are hereby established and declared to be public highways, as fully as if they had been surveyed by the county surveyor and the survey bills filed in the office of said clerk.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1850.

[No. 81.]

AN ACT to unite the townships of Tyler and Eaton Rapids in the county of Eaton.

Act repealed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act heretofore passed, setting off and organizing the township of Tyler, in the county of Eaton, be and the same is hereby repealed; and the said township of Tyler, being town one north of range three west, is hereby joined and united to the township of Eaton Rapids in said county, by which name they shall be hereafter known and designated, and the first township meeting shall be held at the Eaton Rapids Hotel, in the village of Eaton Rapids, on the first Monday of April, A. D. 1850.

First township meeting; when held.

Township officers.

Sec. 2. That all township officers, except justices of the peace, whose terms of office will not expire on the first Monday of April next, shall meet at the Eaton Rapids Hotel in the village of Eaton Rapids, on the last Saturday of March next, at one o'clock P. M., for the purpose of drawing for their respective offices under the direction of the supervisor and clerk of Eaton Rapids, which drawing shall be conducted in the following manner: The said supervisor and clerk, or one of them, shall prepare two ballots, upon one of which shall be written or printed the words "continued in office," and the other blank. Said ballots shall be folded or rolled as near alike as may be, and placed in a hat or box, when the other officers in said townships whose terms of office will not expire on the said first Monday of April next, and in all cases the persons drawing the ballots upon which is written or printed the words "continued in office," shall continue to hold and exercise the duties of their offices during the terms for which they were elected respectively, while those who draw blanks shall cease to perform the duties of theirs, after the said first day of April next, any law to the contrary notwithstanding.

And.

Sec. 3. In case any person holding office in said townships shall neglect or refuse to draw as above required, then and in that case the said supervisor and clerk, or one of them, shall appoint some suitable person to draw for such person so neglecting or refusing; which drawing shall have the same force and effect as though drawn by himself.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 14, 1850.

[No. 82.]

AN ACT to incorporate the Romeo and Canandagua Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Henry Stephens of Romeo, Horace P. Winans of Lakeville, and Ezra Carpenter of Orion, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Romeo and Canandagua Plank Road Company; and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Romeo and Canandagua Plank Road Company, with corporate succession. Incorporation.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings and appurtenances, from the village of Romeo in the county of Macomb, on the most eligible route to the village of Canandagua in the county of Oakland. Route.

Sec. 3. The capital stock of said company shall be twenty-five thousand dollars, to be divided into one thousand shares of twenty-five dollars each, with the power to increase said capital stock to forty thousand dollars, with a corresponding increase in the number of shares. Capital.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided,* That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the Duration of charter. Proviso.

Provide. yearly net profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided*, There be no violation of the charter of said company.

Charter. Sec. 5. If the said company shall complete seven miles of said road from Romeo west within the time limited for the completion of the whole of said road, the charter of said company shall be and remain in force for that extent of road as fully as if the whole road had been completed.

General provisions: Sec. 6. Said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are made a part of this act.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 20, 1860.

[No. 83.]

AN ACT to change the name of the township of Sheboygan in the county of Michilimackinac.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the name of the township of Sheboygan in the county of Michilimackinac, be and the same is hereby changed to that of Inverness, and by that name it shall hereafter be known and designated.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 84.]

AN ACT to incorporate the Niles and State Line Plank Road Company.

Incorporation. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Jacob Beeson, Nathaniel Bacon, Richard P. Barker and William McComber, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Niles and

State Line Plank Road Company; and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Niles and State Line Plank Road Company, with corporate succession.

Sec. 2. Said company hereby created shall have the power to lay ^{Route,} out, establish and construct a plank road, and all necessary buildings, from the village of Niles in the county of Berrien, to the State line of Indiana, on the east side of Saint Joseph river, in the county of Saint Joseph, Indiana, with the right of uniting said road at that or any other point with the plank road of any other company chartered by this State or by the State of Indiana.

Sec. 3. The capital stock of said company shall be twenty thousand ^{Capital,} dollars, to be divided into one thousand shares of twenty dollars each. Said company shall be subject to all general laws of this State relative to plank roads, now in force, and the same are hereby made a part of this act.

Sec. 4. This act shall be and remain in force for the term of sixty ^{Duration of} years from and after its passage; but the Legislature may at any ^{charter.} time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of the law to which it is subject: *Provided,* That after said thirty years, no alteration or reduction of ^{Provide,} the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested; *Provi-* ^{Provide.} *ded,* There be no violation of the charter of said company.

Sec. 5. Any person suffering damage from the insufficiency or bad condition of said road, may recover the same before any justice ^{Damages—} of the peace or other court of competent jurisdiction. ^{how recov-} ^{ered.}

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 85.]

AN ACT to amend an act to incorporate the Indiana and Adrian Plank Road Company, approved April 3d, 1848.

Extension
authorized.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Indiana and Adrian Plank Road Company shall have power to continue and extend said plank road from some point near the center of section five, township nine south of range two east, on the Indiana road, so called; at a point where the Adrian road diverges from said Indiana road; thence easterly on said Indiana road to the state line of Ohio on section nine, town and range aforesaid.

Toll gates.

Sec. 2. Said company may in their discretion erect a toll gate when two and a half consecutive miles of said plank road are finished on the eastern terminus of said plank road: *Provided*, That at least five miles of plank road shall have been completed in connection therewith in the State of Ohio.

Construct'n

Sec. 3. The said plank road company shall have the right and privilege to commence the construction of said plank road at any time within two years from the passage of this act, if they shall within that time commence said construction and actually expend thereon ten per cent. of the capital stock of said company, they shall be entitled to all the rights and privileges granted the said company in the act incorporating the same, in the same manner and to as full an extent as if they had commenced work and made such expenditures within the time provided in said act of incorporation.

General
provisions.

Sec. 4. All acts and parts of acts contravening the provisions of this act shall have no force or effect as far as the same are made applicable to said plank road company.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 86.]

AN ACT relative to Town Plats.

Plats; when
valid.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That in all cases in which the proprietor or

proprietors of any piece of land shall heretofore have caused the same to be laid out and platted as a town or village, and shall have caused such plat to be recorded in the office of the register of deeds of the county in which such land is situated, without having acknowledged the same according to the statute in such case made and provided, and shall have sold and conveyed lots in such town or village by deeds duly acknowledged referring to such recorded plat, such plat so recorded shall be deemed to have the same effect in all respects, whatsoever, as if the same had been acknowledged by such proprietor or proprietors, according to the statutes in such case made and provided: *Provided*, That all mortgages upon, or sales, contracts of sale of, or any vested rights in any lands so conveyed by any village plat, and which lands shall be described without reference to such plats, or any suit or foreclosure of mortgage now pending in relation to the same, shall not in any wise be affected by the operation of this section. Proviso.

Sec. 2. The record of any village plat heretofore made and duly acknowledged, shall be evidence as against the parties so acknowledging, of the sufficient dedication, gift and grant to the public of any portion thereof represented in such plat as a public square; but the rights of parties to any suits now pending in relation to the same shall not be affected by the provisions of this act. Evidence.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 87.]

AN ACT to incorporate the Breedsville and South Haven Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Marvin Hannah, Elijah Knowles, Joseph B. Sturges, Smith Brown and Jonathan Hinckley, of Van Buren county, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Breedsville and South Haven Plank Road Company; and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and Incorporation.

assigns, shall be and they are hereby created a body politic and corporate by the name and style of the Breedsville and South Haven Plank Road Company, with corporate succession.

Route. Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from Breedsville to the mouth of South Black River in Van Buren county, on the most eligible route.

Capital. Sec. 3. The capital stock of said company shall be twenty-five thousand dollars, divided into one thousand shares of twenty-five dollars each.

Duration of charter. Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided*, There be no violation of the charter of said company.

General provisions. Sec. 4. The provisions of all general laws now in force relative to plank roads shall be and are made a part of this act.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 88.]

AN ACT to vacate a part of the village of Mason in the township of Coldwater in the county of Branch.

Part of plat vacated. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that part of the village of Mason in the township of Coldwater and county of Branch, lying south of the Chicago road, as platted and recorded in the office of register of deeds of said county of Branch, September 10, 1835, be and the

same is hereby vacated: *Provided*, That the owners of all lots lying south of said road shall first give their consent in writing to such vacation, and cause such assent to be recorded in the office of the register of deeds for the proper county, before such vacation shall take effect. Assent.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 89.]

AN ACT to incorporate the Paw Paw and Lawrence Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Fitz H. Stevens, J. R. Baker and Nelson Phelps, of Van Buren county, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Paw Paw and Lawrence Plank Road Company; and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Paw Paw and Lawrence Plank Road Company, with corporate succession. Incorporation.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from any point in the village of Paw Paw, Van Buren county, on the most eligible route, to the village of Lawrence in Van Buren county. Route.

Sec. 3. The capital stock of said company shall be twenty-five thousand dollars, in one thousand shares of twenty-five dollars each. Capital.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the Legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the Legislature that there has been a vio- Duration of charter.

Proviso. lation by the company of some of the provisions of this act: *Provided*; That after said thirty years, no alterations or reductions of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided*, There be no violation of the charter of said company.

General provisions. Sec. 5. The said company shall be subject to all general laws now in force relative to plank roads, and the same are made a part of this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 90.]

AN ACT to incorporate the Mason and Jackson Plank Road Company.

Incorporation. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That David F. Dwight of Jackson, Sidney O. Russell of Leslie, Hiram Bristol of Mason, and Ephraim B. Danforth of Lansing, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Mason and Jackson Plank Road Company; and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Mason and Jackson Plank Road Company, with corporate succession.

Route. Sec. 2. Said company hereby created shall have the power and authority to lay out, establish and construct a plank road, and all necessary buildings and appurtenances, from the village of Lansing in the county of Ingham, on the most eligible route, to the village of Jackson in the county of Jackson.

Capital. Sec. 3. The capital stock of said company shall be one hundred thousand dollars, divided into four thousand shares of twenty-five dollars each, with the power to increase said capital stock to one hundred and twenty thousand dollars, with a corresponding increase of the number of shares.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the Legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided*, There shall be no violation of the charter of said company.

Sec. 5. The said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are made a part of this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 91.]

AN ACT for the relief of the several school districts in the townships of Allen, Camden and Somerset, in the county of Hillsdale.

Whereas, The clerks of the townships of Allen, Camden and Somerset, failed to deliver to the county clerk of the county of Hillsdale, the reports of the school inspectors of said townships for the year eighteen hundred and forty-eight, in time to have the same embodied in the report of the county clerk to the Superintendent of Public Instruction for that year, whereby said townships were deprived of their proportion of the primary school fund for that year; therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the county clerk of the county of Hillsdale be and he is hereby authorized and required, within twenty days from the passage of this act, to forward to the Superintendent of Public Instruction copies of the reports of the school inspectors of the said townships of Allen, Camden and Somerset, for the year eighteen hundred and forty-eight.

Duty of Sup.
Pub. Inst.

Sec. 2. On such reports being received by the Superintendent of Public Instruction, he is hereby authorized and required, in the next apportionment which he shall make thereafter of the income of the primary school fund among the several townships and cities of this State, to add to the amount to which said townships of Allen, Camden and Somerset would be entitled to for that year, the amount which said townships would have been entitled to in the year eighteen hundred and forty-eight, as shown by the reports of the school inspectors of said townships so to be forwarded to the said Superintendent of Public Instruction; and in his statement to the Auditor General of the amount in the aggregate payable to each county from the income of the primary school fund, he shall add to the amount payable to the county of Hillsdale for that year, the amount so awarded to the said townships of Allen, Camden and Somerset for the year eighteen hundred and forty-eight.

Ibid.

Sec. 3. The said Superintendent of Public Instruction shall, in his notices to be sent to the clerks of the several townships in Hillsdale county of the amount of the primary school fund payable to the several townships, add to the amount going to the townships of Allen, Camden and Somerset, the amount so awarded to them respectively for the year eighteen hundred and forty-eight.

Sec. 4. This act shall take effect from and after its passage.

Approved March 20, 1850.

[: No. 92.]

AN ACT to amend an act entitled an act to authorize the Cotton Wood Swamp Turnpike Company to lay out and construct a certain plank road, and for other purposes, approved March 31, 1847.

Act amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section one of an act entitled an act to authorize the Cotton Wood Swamp Turnpike Company to lay out and construct a certain plank road, and for other purposes, be and the same is hereby amended by adding thereto the words: "and also to lay out and construct a plank road, with all necessary buildings, on the territorial road, (so called,) from the east end of the

bridge across the river Raisin in the village of Blissfield, to the east end of the bridge across said river in the village of Palmyra. Said company shall be subject to all general laws of this State relative to plank roads, and the same are hereby made a part of this act. General provisions.

Sec. 2. Section two of the act above cited is hereby amended by striking out the word "eight," and inserting in lieu thereof the word "four;" and by striking out the words "twenty-five," and inserting in lieu thereof the word "fifty;" so that said section as amended will read: "Sec. 2. The said company are hereby authorized to appoint three commissioners to receive the subscriptions to the capital stock of said company, which shall be twenty thousand dollars in addition to the present capital stock of said company, divided into four hundred shares of fifty dollars each." Amendment
Capital

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 93.]

AN ACT to incorporate the Romeo Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Azariah Prentiss, Henry Stephens and Aaron B. Rawles, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Romeo Plank Road Company; and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Romeo Plank Road Company, with corporate succession. Incorporation.

Sec. 2. Said company hereby created shall have the power and authority to lay out, establish and construct a plank road, and all necessary buildings and appurtenances, from the village of Romeo in the county of Macomb, on the most eligible route, until the same shall intersect the Mt. Clemens and Romeo Plank Road, at or near Armada Corners. Route.

Sec. 3. The capital stock of said company shall be six thousand dollars, divided into two hundred and forty shares of twenty-five

dollars each, with the power to increase said capital stock to ten thousand dollars, with a corresponding increase of the number of shares.

**Duration of
charter.**

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided*, There shall be no violation of the charter of said company.

**General
provisions.**

Sec 5. Said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are hereby made a part of this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 94.]

AN ACT to incorporate the Grand Haven and Black River Plank Road Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Clarke B. Albee, Henry D. Post, Alburdis C. Van Raalte, Henry Penoyer, Barnabus Grotenhouse, and Thomas D. Gilbert, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Grand Haven and Black River Plank Road Company; and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Grand Haven and Black River Plank Road Company, with corporate succession.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Grand Haven in the county of Ottawa, to a point at or near the head of Black Lake, in the village of Holland in said county of Ottawa. Route.

Sec. 3. The capital stock of said company shall be thirty thousand dollars, divided into one thousand two hundred shares, of twenty-five dollars each. Capital.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the Legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal, shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of this act. *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested. Duration of charter.

Sec. 5. Said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are hereby made a part of this act: *Provided further*, that whenever said company shall have completed their road, or any five consecutive miles thereof, the directors thereof may erect toll-gates, and exact tolls from persons traveling on the road, for so much as may be completed. General provisions.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 95.]

AN ACT to incorporate the Mud Street Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That George Carson, Abner Wood and Daniel Goodell, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received Incorporation.

to the capital stock of the Mud Street Plank Road Company; and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Mud Street Plank Road Company, with corporate succession.

Route. Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the commencement of said Mud Street on the National Turnpike, to that point where said Mud Street terminates on the Flat Rock and Dearborn Road.

Capital. Sec. 3. The capital stock of said company shall be fifteen thousand dollars, to be divided into six hundred shares of twenty-five dollars each, with the power to increase said capital stock to forty thousand dollars, with a corresponding increase of the number of shares.

Duration of charter. Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the Legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided*, There be no violation of the charter of said company.

General provisions. Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, and all acts amendatory thereof, shall be and are made a part of this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 96.]

AN ACT authorizing a connection between the Detroit and Pontiac and Oakland and Ottawa Railroads, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Detroit and Pontiac Railroad Company be and they are hereby authorized to extend said Railroad so as to connect with the Oakland and Ottawa Railroad, when constructed, thus forming a continuous line of railroad through the village of Pontiac. Extension authorized

Sec. 2. Said Detroit and Pontiac Railroad Company shall have authority, and they are hereby empowered to extend that portion of the railroad within or without the limits of the city of Detroit to the Detroit river, and to purchase and to hold lands for depots and machine shops and fixtures; and said company shall have the same right and authority to contract for land for the track of said railroad so extended or to be extended, and also to take the same by appraisal when the same cannot be obtained by contract, as was granted to said company in reference to other lands by the original charter of said company, approved March seventh, eighteen hundred and thirty-four; and in case said company shall at any time be in possession of any lands for any part of the track of said railroad, the title to which shall not be perfect in said company, the same may be obtained by appraisal or re-appraisal and payment therefor, in the manner prescribed in said original charter. Powers of company—may hold lands, &c Title: how obtained.

Sec. 3. For the purpose of the extension and connection contemplated by the foregoing provisions, and to enable said company to reconstruct said railroad with a T rail, the president, directors and company of the Detroit and Pontiac Railroad are hereby authorized to sell or negotiate the bonds of the company, at a rate of interest not exceeding eight per cent., at such time and at such places, either within or without this State, and at such rate and for such prices as in their opinion will best advance the interest of the company; and if such bonds are thus sold at a discount, that such sale shall be as valid in every respect as if they were sold at their par value. The capital stock of said company is hereby increased to two hundred thousand dollars, with power to further increase said capital stock to five hundred thousand dollars; the stock to be divided into shares of fifty dollars each; and the company are hereby authorized to issue its certificates. May negotiate bonds. Capital stock increased.

for the same, and register the same upon the books of the said company: *Provided*, Said company shall issue no bonds for less than one hundred dollars.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 97.]

AN ACT for the relief of the heirs of James H. Welling.

Aud. Gen'l
authorized
to cancel
certificates,
&c.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Auditor General be and he is hereby authorized to cancel the two certificates of purchase of primary school lands heretofore issued by the Commissioner of the State Land office to James H. Wellings, late of the county of Clinton, deceased, being numbers two thousand one hundred, (2100,) and two thousand one hundred and eight, (2108,) upon their surrender for that purpose by Margaret Wellings, widow of the said James H. Wellings, deceased, and to issue a new certificate for the north-west quarter of the north-west quarter of section sixteen in township five north of range two west, to the heirs of James H. Wellings; and the said auditor general is hereby further authorized and required to credit the heirs of James H. Wellings upon said new certificate, for all moneys paid as principal upon the certificates hereby authorized to be cancelled.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 98.]

AN ACT to repeal act No. 53 of the session laws of 1846, and for other purposes.

Act repeal -
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Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section 1 of an act to attach the south half of section 30, and sections 31, 32 and 33, of town eight north of range two west, in the county of Clinton, to the township

of Bingham in said counties, and for other purposes, of the session laws of A. D. 1846, be and the same is hereby repealed.

Sec. 2. That the south half of section 30, and sections 31, 32 and 33, of township eight north of range two west, in the county of Clinton, be and the same is hereby re-annexed to the township of Greenbush in said county.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 99.]

AN ACT to authorize Julia H. Spencer and Jeanette A. Spencer to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Julia H. Spencer and Jeanette A. Spencer be and they are hereby authorized to sell and convey by deed or deeds, all their right, title and interest, respectively, in and to the east half of the north-west quarter, and the north-east quarter of the south-west fractional quarter of section thirty, and the north-west quarter of the north-east quarter of section thirty, all in township three south of range seven east, containing one hundred and sixty acres, more or less; and such deed or deeds shall vest in the purchaser or purchasers of the same, or any part thereof, as full, valid and perfect a title in the law, to the lands so conveyed, as existed in the grantors, respectively, at the time of such conveyance: *Provided*, The Judge of Probate for the county of Washtenaw shall endorse his approval upon any deed or deeds which may be given under the provisions of this act: *And provided further*, That the proceeds of any such sale or sales shall be faithfully invested by the proper guardian of said Julia H. Spencer and Jeanette A. Spencer, (who is hereby authorized to superintend any such sale or sales,) in a manner to accumulate for their benefit during their minority: *And provided further*, That the mode and manner of such investment shall also be submitted to and receive the approval of said Judge of Probate.

Conveyance of certain real estate authorized.

Proviso.

Proviso.

Proviso.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 100.]

AN ACT to amend an act entitled an act to incorporate the Hillsdale and Coldwater Plank Road Company.

Act amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section 3 of the act entitled an act to incorporate the Hillsdale and Coldwater Plank Road Company, approved March 17, 1847, be and the same is hereby amended by striking out of said section all after the word "commissioners," in the fourth line, down to and including the words in the parenthesis, in the fifth line.

Construction.

Sec. 2. The said Hillsdale and Coldwater Plank Road Company are hereby authorized and empowered to organize said company and commence the construction of their road at any time within two years from the passage of this act.

General provisions.

Sec. 3. The provisions of an act entitled an act relative to plank roads, approved March 13, 1848, and the acts amendatory thereof, are hereby made and constituted a part of this act; and the said Hillsdale and Coldwater Plank Road Company shall have the benefit of the provisions thereof as fully as if the said company had been incorporated after the passage of the same, and shall commence and prosecute the construction of their road and conduct the same according to the provisions of the said act relative to plank roads, approved March 13, 1848, and the acts amendatory thereof: *Provided*, That the commissioners appointed in said act of incorporation, or a majority of them, shall, before the commencement of the construction of said road, make out and file with the Secretary of State an acceptance of the provisions of this act.

Proviso.

shall file acceptance.

Section 21 amended.

Sec. 4. Section 21 of the said act incorporating the Hillsdale and Coldwater Plank Road Company is hereby amended by adding to said section the following: "but such alteration shall not be made within thirty years of the passage of this act, unless it shall be made to appear that there has been a violation of the provisions of this act."

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 101.]

AN ACT to authorize the commissioners of highways in the township of Ronald in the county of Ionia, to alter a State road in said township.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the commissioners of highways of the township of Ronald in the county of Ionia, are hereby authorized and empowered to alter all that part of the highway or State road in said town, between the quarter post on the east side of section twenty-nine and the corners of sections 17, 18, 19 and 20, in said township, by running it from said east quarter post of said section 29, to the corners of said sections 17, 18, 19 and 20, on the most eligible route. ^{Duty of commissioners}

Sec. 2. It shall be the duty of the said commissioners, in case they ^{Ibid.} discontinue and relay said road, to furnish a true survey to the clerk of said township of such alteration, and it shall be the duty of said clerk to record the same in his office.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 102.]

AN ACT to incorporate the Gibraltar and Flat Rock Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Daniel C. Vreeland, James Van Riper, Edmund Hall, H. Blakely, John Cook, William Worth and William Munger, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Gibraltar and Flat Rock Plank Road Company; and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Gibraltar and Flat Rock Plank Road Company, with corporate succession. ^{Incorporation.}

Sec. 2. Said company hereby created shall have the power to lay ^{Route.} out, establish and construct a plank road, and all necessary build-

ings, from the village of Gibraltar in the county of Wayne, on the most eligible route, to the village of Flat Rock in the county of Wayne.

Capital.

Sec. 3. The capital stock of said company shall be fifteen thousand dollars, to be divided into six hundred shares of twenty-five dollars each, with the power to increase said capital stock to twenty-five thousand dollars, with a corresponding increase of the number of shares.

Duration of charter.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the Legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly net profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided*, there be no violation of the charter of said company.

General provisions.

Sec. 5. The provisions of an act entitled "an act relative to plank roads," approved March 13, 1848, and all amendments thereof, shall be and are made a part of this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 103.]

AN ACT to incorporate the Grand Rapids and Plainfield Plank Road Company.

Incorporation

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Henry C. Smith, Truman H. Lyon, William D. Roberts, James M. Nelson and William A. Richmond, be and they are hereby appointed commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the Grand Rapids and Plainfield Plank Road Company; and the subscribers thereto, with such other persons as they shall asso-

ciate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Grand Rapids and Plainfield Plank Road Company, with corporate succession.

Sec. 2. Said company hereby created shall have the power and authority to lay out, establish and construct a plank road, and all ^{Route.} necessary buildings and appurtenances, from the village of Grand Rapids to the village of Plainfield in the county of Kent.

Sec. 3. The capital stock of said company shall be twenty thousand dollars, divided into shares of ten dollars each; and the directors of said company may commute with any of the stockholders thereof for any instalments upon their stock, by allowing them, instead of paying their subscriptions in money, to take contracts on giving satisfactory security for the fulfillment of the same, by furnishing materials, in executing any part of the construction of said road, or in such other manner as shall be deemed for the best interest of the company; and said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are made a part of this act.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the Legislature may at any ^{Duration of} time alter, amend or repeal this act by a vote of two-thirds of each ^{charter.} branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the satisfaction of the Legislature that there has been a violation of its charter by the company: *Provided,* ^{Proviso.} That after said thirty years, no alteration or reduction of the tolls shall be made during the existence of the charter, unless the yearly nett profits, over and above all expenses, shall exceed ten per cent upon the capital stock.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 23, 1859.

[No. 104.]

AN ACT to modify an act to incorporate the Quincy Mining Company, approved March 30, 1848.

Capit'l stock
may be divi-
ded.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Quincy Mining Company may at any regular meeting of the stockholders thereof, within two years after the passage of this act, divide the capital stock of said company into eight thousand shares of twenty-five dollars each: *Provided*,

Proviso.

That the capital stock of said company shall not be increased beyond the amount in the original act of incorporation.

Statement;
where filed.

Sec. 2. Should the said company adopt the modification in this act contemplated, a statement of the terms of such modification shall, within twenty days after the adoption thereof, be filed in the office of the Secretary of State, and the same shall be conclusive on and shall control said company.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 105.]

AN ACT to incorporate the Hastings and Yankee Springs Plank Road Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Phillip Leonard, David Rork and Heman J. Knapen, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Hastings and Yankee Springs Plank Road Company; and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Hastings and Yankee Springs Plank Road Company, with corporate succession.

Route.

Sec. 2. Said company hereby created shall have power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Hastings in the county of Barry, through the township of Yankee Springs; with the privilege of uniting said road at any point with the plank road of any other company.

Sec. 3. The capital stock of said company shall be thirty thousand dollars, in six hundred shares of fifty dollars each. Capital.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the Legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided*, There be no violation of the charter of said company. Duration of charter.

Sec. 5. The provisions of an act entitled "an act relative to plank roads," approved March 13, 1848, and the amendments thereto, shall be and are made a part of this act. General provisions.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 106.]

AN ACT to incorporate the Detroit and Newport Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Eben Prentis, John Murray, of Detroit, Giles B. Slocum, Henry Raymond, of Trenton, and William White and J. W. Morrow, of Newport, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Detroit and Newport Plank Road Company; and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Detroit and Newport Plank Road Company, with corporate succession. Incorporation.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary build- Route.

ings, from the city of Detroit, Wayne county, by the way of Trenton, in the town of Monguagon in the county of Wayne, on the most eligible route to Newport in the county of Monroe.

Capital. Sec. 3. The capital stock of said company shall be seventy thousand dollars, in two thousand eight hundred shares of twenty-five dollars each.

Duration of charter. Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the Legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of this act. *Provided*, That after said thirty years, no alterations or reductions of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invsted; *Provided*, There shall be no violation of the charter of said company.

General provisions. Sec. 5. The said company shall be subject to the provisions of an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, and all other acts amendatory thereto.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 107.]

AN ACT to amend act No. 165 of the session laws of 1848, entitled an act to provide for laying out and establishing certain State roads, approved April 1st, 1848.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section four of act number one hundred and sixty-five of the session laws of eighteen hundred and forty-eight, entitled "an act to provide for laying out and establishing certain state roads," approved April 1st, 1848, be amended by striking out all after the word "and," where it first occurs in the fifth line, to the word "of," where it last occurs in the sixth line, and insert in the place thereof, "Israel V. Harria of Talmage, and

Timothy Eastman of Polkton, in Ottawa county, and Knowlton S. Pettibone."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 108.]

AN ACT to authorize Morris S. Allen and his wife to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Morris S. Allen and his wife, of the county of Clinton, be and they are hereby authorized and empowered to sell and convey to John H. Wallace, all the right, title and interest of Alfred and Amanda Allen, minor children of the said Morris S. Allen and his wife, of, in and to the following described piece or parcel of land, to wit: the north-east fraction of north-east fractional quarter of section thirteen, in township five north of range three west, situate in the county of Clinton, in this State; which conveyance, when made, acknowledged and recorded in accordance with the laws of this State, shall be as effectual and valid as if the title to said land was, at the time such conveyance may be made, fully vested in the said Morris S. Allen: *Provided*, That such conveyance shall be of no effect unless the judge of probate of said county of Clinton shall, under his hand and seal of his office, certify upon the back of such conveyance his approval of the same.

Authorized to convey certain real estate.

Description.

Provided,

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 109.]

AN ACT to incorporate the Marshall and Ionia Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Isaac E. Crary, Horatio J. Lawrence, John C. Ball, James M. Kidd and Wm. Babcock, be and they are hereby appointed commissioners, under the direction of a majority

Incorporation.

of whom subscriptions may be received to the capital stock of the Marshall and Ionia Plank Road Company; and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Marshall and Ionia Plank Road Company, with corporate succession.

Route. **Sec. 2.** Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings and appurtenances, commencing at or near the rail road depot in the village of Marshall, county of Calhoun, and terminating in or near the flouring mill in the village of Ionia in the county of Ionia, with the privilege of uniting said road at any point with the road of any other company.

Capital. **Sec. 3.** The capital stock of said company shall be one hundred thousand dollars, divided into four thousand shares of twenty-five dollars each.

Sec. 4. The directors of said company may commute with any of the stockholders thereof for any instalments upon their stock, by allowing them instead of paying their subscription in money, to take contracts, on giving satisfactory security for the fulfillment of the same, by furnishing any part of the materials, or executing any part of the construction of said road.

Duration of charter. **Sec. 5.** This act shall be and remain in force for the term of sixty years from and after its passage; but the Legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested.

Subject to general laws **Sec. 6.** The provisions of all general laws now in force relative to plank roads, shall be and are made a part of this act.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 110.]

AN ACT to incorporate the Paw Paw and Schoolcraft Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Edward A. Parks, Uria Kenney, Evert B. Dykeman, and Isaac W. Willard, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Paw Paw and Schoolcraft Plank Road Company; and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Paw Paw and Schoolcraft Plank Road Company, with corporate succession. Incorporation.

Sec. 2. Said company hereby created shall have the power to lay Route. out, establish and construct a plank road, and all necessary buildings, from the village of Paw Paw Station, on the Central Railroad, in the county of Van Buren, on the most eligible route to the village of Schoolcraft in the county of Kalamazoo.

Sec. 3. The capital stock of said company shall be twenty thousand dollars, to be divided into shares of twenty-five dollars each. Capital.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the Legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided*, There be no violation of the charter of said company. Duration of charter.

Sec. 5. Said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are hereby made a part of this act. Subject to general laws

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

LAWS OF MICHIGAN.

[No. 111.]

AN ACT to change the names of Louis, Henry, Aaron and Samuel Freudenthaler.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the names of Louis Freudenthaler, Henry Freudenthaler, Aaron Freudenthaler, and Samuel Freudenthaler, be and the same are hereby changed to that of Louis Freudenthaler Leopold, Henry Freudenthaler Leopold, Aaron Freudenthaler Leopold, and Samuel Freudenthaler Leopold, by which names they shall hereafter be known.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 112.]

AN ACT to incorporate St. Mark's College at Grand Rapids.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Right Reverend Samuel A. McCoskry, Bishop of the Protestant Episcopal Church in the Diocese of Michigan, and his successors in said office, together with Francis H. Cuming, James M. Nelson, George Kendall and Alonzo Platt, of the county of Kent, Charles C. Taylor, of the county of Washtenaw, Charles Reighley, of the county of Genesee, Richard S. Adams, of the county of Lenawee, Algernon S. Hollister, of the county of Livingston, Richard S. Elder, of the county of Hillsdale, Charles C. Trowbridge and Henry P. Baldwin, of the county of Wayne, Daniel T. Grinnell and Ira Backus, of the county of Jackson, Charles E. Stuart, of the county of Kalamazoo, James L. Glen, of the county of Berrien, Hiram Adams and George C. Gibbs, of the county of Calhoun, and their successors, be and are hereby created, ordained and constituted a body politic and corporate, in fact and in name, by the title of St. Mark's College; and by that name they and their successors shall remain in perpetual succession; with full power to sue and be sued, plead and be impleaded; to acquire, hold and convey property, real and personal; to have and to use a common seal, to alter and renew the same at pleasure; to make and alter from time

to time such by-laws as they may deem necessary for the government of said institution, its officers and servants; and of doing every other act, matter and thing necessary and proper for the well-being and government of the same, not inconsistent with the constitution and laws of the United States and this State: *Provided*, That nothing in this section shall be construed to authorize said corporation to hold at one time more than one hundred thousand dollars in property, real and personal. Proviso.

Sec. 2. The said college or institution, as well as the preparatory school attached thereto, shall be located in the township of Grand Rapids, county of Kent; and shall be for the purpose of affording instruction in the liberal arts and sciences, to such extent as their means may justify, and also for the study of all or any of the liberal professions; the preparatory department may embrace instruction for both male and female students. Location

Sec. 3. The board shall, at their first meeting, appoint a secretary and treasurer, together with such other officers and instructors as may be necessary, and shall have power to displace any or either of them; and also to fill vacancies which may happen by death, resignation, removal from the State, or otherwise, in said board, or among said officers, instructors and servants; and also to prescribe and direct the course of study to be pursued in said institution and its departments. Officers and instructors; how appointed.

Sec. 4. The Bishop of said church shall also be a member of said board and president thereof; when he is absent, or if there be a vacancy in said office of Bishop, the board shall elect one of their own number to preside for the time being. The secretary and treasurer shall be elected at each annual meeting of the board. Bishop.
Secretary & Treasurer; when elected.

Sec. 5. The board of trustees shall consist of seventeen members, exclusive of the president, any eight of whom may constitute a quorum for the transaction of business; said board shall hold their first meeting at the call of the president of the same, within two months from the approval of this act, and afterwards they shall meet on their own appointment; special meetings may be called when necessary, by the president, or when required by any five members, each member of the board having been notified in writing of such meeting, at least seven days before the time of said meeting. Trustees.
1st meeting; when held.

Sec. 6. The treasurer of the college shall always, and all other Bonds required.

agents when required, before entering upon the duties assigned them, give bonds for the security of the corporation and the public, in such penal sum, and with such sureties, as said board shall approve; and all process against the institution shall be by summons, and the service shall be by leaving an attested copy thereof with the treasurer of the college, at least thirty days before the return thereof.

Supt. Public
Instruction.

Sec. 7. The institution hereby incorporated, as well as the preparatory school attached thereto, shall always be subject to the examination of a board of visitors, three in number, to be annually appointed by the Superintendent of Public Instruction, and such visitors shall report to said Superintendent as soon after an examination as practicable.

Powers of
Board of
Trustees.

Sec. 8. The board of trustees shall have the power to confer the honors and degrees granted by collegiate institutions upon such persons as may be recommended by the professors of said institution to be worthy thereof: *Provided*, That the primary degrees shall not be conferred on any students who shall not have passed through a course of studies equivalent to and as thorough as that prescribed by the Regents of the University of Michigan for candidates for degrees.

Real estate.

Sec. 9. Said corporation shall not hold any real estate more than fifteen years after the same shall have been conveyed to it: excepting, always, such real estate as shall be necessary for the objects of said corporation.

Sec. 10. The Legislature may at any time alter, amend or repeal this act.

Approved March 20, 1860.

[No. 113.]

AN ACT to incorporate the Centreville and Kalamazoo Plank Road Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Albert E. Macy, Mark H. Wake-man, Nathan Osborn, Bradley S. Williams, and Hugh Friday, be and they are hereby appointed commissioners, under the direction of a majority of whom, subscriptions may be received to the capital

LAWS OF MICHIGAN.

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stock of the Centreville and Kalamazoo Plank Road Company; and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Centreville and Kalamazoo Plank Road Company, with corporate succession.

Sec. 2. Said company hereby created shall have the power to lay ^{Route} out, establish and construct a plank road, and all necessary buildings and appurtenances, from the village of Centreville in the county of St. Joseph, to a point at which said plank road will intersect the road of the Kalamazoo and Three Rivers Plank Road Company, in the county of Kalamazoo, with the right of uniting said road at any other point with the plank road of any other company.

Sec. 3. The capital stock of said company shall be forty thousand ^{Capital.} dollars, to be divided into eight hundred shares of fifty dollars each; and said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are made a part of this act.

Sec. 4. This act shall be and remain in force for the term of sixty ^{Duration of} years from and after its passage; but the Legislature may at any ^{charter.} time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of law to which it is subject: *Provided*, That after said thirty years, no alteration or reduction ^{Provision.} of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided*, There be no violation of the charter of said company.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 114.]

AN ACT to incorporate the Albion and Homer Plank Road Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Jesse Crowell, Marvin Hannahs, James Munroe, Cyrus Robertson, Hiram Smith and John Burt, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Albion and Homer Plank Road Company; and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Albion and Homer Plank Road Company, with corporate succession.

Route.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings and appurtenances, from the village of Albion in the county of Calhoun, to the village of Homer in the county of Calhoun, with the right of uniting said road at any other point with the plank road of any other company.

Capital.

Sec. 3. The capital stock of said company shall be ten thousand dollars, to be divided into four hundred shares of twenty-five dollars each; and said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are made a part of this act.

Duration of charter.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the Legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of law to which it is subject: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested:

Proviso.

Provided, There be no violation of the charter of said company.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 115.]

AN ACT supplementary to an act to provide for the payment of the officers and members of the Legislature, approved January sixteenth, one thousand eight hundred and fifty.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the compensation of the reporter of the Senate and the reporter of the House shall be three dollars a day from the time they respectively commenced reporting, with mileage from the Capital at the same rate as for members of the Legislature; and such sums as may be due to said reporters, shall be certified and paid in the same manner as the pay of officers and members of the Legislature.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 116.]

AN ACT for the relief of the Baptist Society of Howell.

Whereas, The word "first" was omitted in the certificate of the organization of the First Baptist Society of Howell, and the appointment of trustees thereof recorded in the office of the county clerk for the county of Livingston, so that the record of said certificate styles said society "the Baptist Society of Howell;"

And Whereas, Said certificate was not made under seal, as required by law;

And Whereas, The acknowledgment of said certificate was not in due form, according to law; the refore,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the certificate of the organization of the "Baptist Society of Howell," in the county of Livingston, and the appointment of trustees thereof, recorded in the county clerk's

Trustees. offic of the county of Livingston, be and the same is declared to be as legal and effective in law and equity as if the said certificate had been under seal and acknowledged in form according to law; and it shall be so deemed and declared in all courts of law and equity in this state. That all the acts of the trustees of said society shall be as binding in law and equity as they would have been if said certificate had been under seal and acknowledged in due form according to law.

Name of society. Sec. 2. Said society shall hereafter be known by the name and style of the "First Baptist Society of Howell," and under that name may enjoy all its corporate rights as fully as if it had been so named in the recorded certificate mentioned in the preceding section Corporate rights. of this act: *Provided*, That nothing in this act contained shall in any wise affect the rights of third persons, accrued prior to the passage of this act. Prevision.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 117.]

AN ACT to incorporate the Portland and Lansing Plank Road Company.

Incorporation. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That William F. Jennison, A. Newman and Hezekiah Smith, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Portland and Lansing Plank Road Company; and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Portland and Lansing Plank Road Company, with corporate succession.

Route. Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings and appurtenances, from the village of Portland in the county of Ionia, to the village of Lansing in the county of Ingham, with the right of

uniting said road at any other point with the plank road of any other company.

Sec 3. The capital stock of said company shall be fifty thousand dollars, to be divided into two thousand shares of twenty-five dollars each; and said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are made a part of this act.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the Legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of law to which it is subject: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided*, There be no violation of the charter of said company.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 118.]

AN ACT to amend an act entitled an act to incorporate the Monroe and Saline Plank Road Company, approved April 3d, 1848.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the fourth section of an act entitled "an act to incorporate the Monroe and Saline Plank Road Company," be and the same is hereby amended by adding after the word "Raisinville," in the fifth line thereof, and before the word "and," the following words: "And also to enter upon and take possession of, for the like purpose, the Territorial road, so called, leading from Monroe to Saline, or such part thereof as they shall deem proper."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 119.]

AN ACT providing for the punishment of persons in the possession of stolen property in this State, having stolen the same in another State, and for the punishment of receivers of stolen property in certain cases.

Theft in
another
state; how
punished.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That every person who shall feloniously steal the property of another, in any other State or country, and shall bring the same into this State, may be convicted and punished in the same manner as if such larceny had been committed in this State; and in every such case such larceny may be charged to have been committed in any town or city into or through which such stolen property shall have been brought: *Provided*, That every such person may plead a former conviction or acquittal for the same offence in another State or country; and if such plea be admitted or established, it shall be a bar to any further or other proceedings against such person for the same offence.

Proviso.

Receivers;
how pun-
ished.

Sec. 2. Every receiver of personal property that shall have been feloniously stolen, knowing the same to have been stolen, may be indicted, convicted and punished in any county where he received or had such property, in the same manner that receivers of personal property stolen in this State are indicted, convicted and punished, notwithstanding such theft was committed in any other state or country.

Aiders and
abettors;
how pun-
ished.

Sec. 3. Every person who shall aid and abet any thief, such thief having brought the stolen property into this state, may be indicted, convicted and punished in the same manner, notwithstanding such theft was committed in any other State or country, that aiders and abettors are punished, where the theft was originally committed within this State.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 120.]

AN ACT to amend an act entitled an act to incorporate the Odd Fellows' Hall Association of the city of Detroit, approved March 19th, 1845.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section two of an act to incorporate the Odd Fellows' Hall Association of the city of Detroit, approved March nineteenth, eighteen hundred and forty-five, be amended by adding thereto the words, "and for the purpose of carrying out the objects contemplated by this act, the said association may in their discretion invest in such public and private stocks, whatever surplus capital funds or nett profits may from time to time accumulate in the hands of the association, or in such other manner as to the officers thereof will appear best calculated to promote the interests of the association: *Provided,* That nothing herein contained shall be construed to authorize said corporation to do a banking business." Act amended.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 30, 1850.

[No. 121.]

AN ACT to amend an act entitled an act to incorporate the Michigan Central College at Spring Arbor.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That "an act to incorporate the Michigan Central College at Spring Arbor," approved March 19th, 1845, be and the same is hereby amended as follows: by adding to section three of said act the following words: "and to confer such degrees and grant such diplomas as are usually conferred and granted by other colleges: *Provided,* That the course of study pursued in said college shall be in all respects as comprehensive and thorough as that required or which shall hereafter be required in the University of Michigan." Act amended.

Sec. 2. The said college shall always be subject to the visitation and examination of a board of visitors, three in number, to be annually appointed by the Superintendent of Public Instruction, and Supt. Public Instr'n to appoint Board of Visitors.

such visitors shall report to the said Superintendent as soon after an examination as practicable.

Term. Sec. 3. There shall at all times after the next annual election be fifteen trustees of said college, the terms of office of five of whom shall expire on the first Wednesday of January in each and every year.

Term. Sec. 4. The term of office of the additional number of trustees created by this act, shall expire, two of them one year, two of them two years, and two of them three years, from and after the next annual election, as shall be determined by lot, within thirty days from and after their election.

Proviso amended. Sec. 5. The proviso to section one of said act is also hereby amended, so as to read as follows: *Provided*, That the property, real and personal, of said corporation, shall not at any time exceed one hundred thousand dollars.

Real estate; how held. Sec. 6. Said corporation shall not hold any real estate more than fifteen years after the same shall have been conveyed to them: excepting, always, such real estate as shall be necessary for the objects of said corporation.

Sec. 7. This act shall take effect immediately.

Approved March 20, 1850.

[No. 122.]

AN ACT to amend an act entitled an act to enable the executors or administrators of the estate of James B. Clark, deceased, to sell certain lands, approved March 31st, 1849.

Act amended. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That an act entitled "an act to enable the executors or administrators of the estate of James B. Clark, deceased, to sell certain land, approved March thirty-first, eighteen hundred and forty-nine, be and the same is hereby amended by striking out of line five of section one, the word "east," and substituting in lieu thereof the word "west."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 123.]

AN ACT to amend an act entitled an act to incorporate the St. Clair Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section two of an act entitled an act to incorporate the St. Clair Plank Road Company, approved April second, one thousand eight hundred and forty-nine, as printed, be and the same is hereby amended by striking out all after the words "County of St. Clair," in the third line, to and including the word "best," in the fifth line, and insert in lieu thereof the words "to the village of Romeo in the county of Macomb." Also, that section three of said act be amended by striking out the word "twenty," in the first line, and inserting the word "fifty." Also amend section three, by striking out "four hundred," and insert "one thousand." Act amended.

Sec. 2. Said company shall be subject to all the general provisions of the laws of this State now in force relative to plank roads, not inconsistent with the provisions of said act. General provisions.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 124.]

AN ACT to incorporate the Plymouth and Dearborn Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That John F. Rupley, John B. Wallace, Luther Dean, J. Austin and E. J. Penniman, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Plymouth and Dearborn Plank Road Company; and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Plymouth and Dearborn Plank Road Company, with corporate succession. Incorporation.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings Route.

and appurtenances, from the village of Plymouth in the county of Wayne, to the old tavern stand of Conrad Ten Eyck, in the township of Dearborn in the county of Wayne, with the right of uniting said road at any other point with the plank road of any other company.

Capital.

Sec. 3. The capital stock of said company shall be thirty thousand dollars, to be divided into twelve hundred shares of twenty-five dollars each; and said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are made a part of this act.

Duration of
charter.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the Legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of law to which it is subject: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided*, There be no violation of the charter of said company.

Authority
of board of
directors.

Sec. 5. The board of directors of said company are hereby authorized to enter upon and take possession of so much of the road leading from the village of Plymouth to the old tavern stand of C. Ten Eyck, in the township of Dearborn, (called the Ann Arbor road,) as they may deem necessary, and to construct and maintain thereon a plank road: *Provided however*, That during the construction of said plank road, the said company shall not improperly obstruct the usual travel on said road, or so much thereof as may be taken possession of as aforesaid.

Sec. 6. This act shall take effect immediately.

Approved March 20, 1850.

[No. 125.]

AN ACT to amend an act approved May seventh, one thousand eight hundred and forty six, entitled an act to repeal an act entitled an act to incorporate the stockholders of the Bank of St. Clair, approved March twenty-eighth, one thousand eight hundred and thirty-six.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the act entitled an act to repeal an act entitled "an act to incorporate the stockholders of the Bank of St. Clair," approved May seventh, eighteen hundred and forty-six, shall be and the same is hereby amended by adding at the end of section two the following, viz: "but nothing in this act contained shall affect or render defective any suit commenced or pending against the president, directors and company of the Bank of St. Clair, or any act done by or right accrued to any such creditor; nor impair the right of any creditor holding any liabilities of said Bank, from commencing a suit or suits therefor; but such creditor or creditors of said Bank may prosecute any such suit pending, and commence new suits against the president, directors and company of the Bank of St. Clair, the same as if the act incorporating the stockholders thereof had not been repealed; but nothing in this act shall be so construed as to in any manner revive said act incorporating the stockholders of said Bank of St. Clair."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 126.]

AN ACT to incorporate the Iron Bay and Carp River Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That John Westren, Lewis Bascom, William A. Ernst, A. R. Harlow, Frederick W. Kirtland, Philo M. Brett and Ocar Jones, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Iron Bay and Carp River Plank Road Company; and the subscribers thereto, with such other persons

as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Iron Bay and Carp River Plank Road Company, with corporate succession.

Route.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from Iron Bay, (on the south side of Lake Superior,) in the county of Marquette, to or near the village of Carp River in said county, and thence to and across section number one, in township number forty-seven north of range number twenty-seven west, and thence to and across sections ten and eleven in said township and range; with the right of uniting said road at any point with the plank road of any other company.

Capital.

Sec. 3. The capital stock of said company shall be the sum of thirty thousand dollars, to be divided into three hundred shares of one hundred dollars each.

Duration of charter.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the Legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration amendment or repeal shall not be made unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided*, There be no violation of the charter of said company.

Proviso.

Width and grade.

Sec. 5. The said plank road shall be laid out at least two and not more than four rods wide, and shall be so constructed as to have at least sixteen feet width of good, smooth and permanent road, eight feet of which shall be made of plank not less than three inches thick, and of such grade as the board of directors of said company may direct; and said company may, for thirty years, charge and receive one-third more than the rates of toll established by section seventeen of an act relating to plank roads, approved March 13, 1848.

Rates of toll

Subject to general laws

Sec. 6. The said company shall be subject to all general laws of this State now in force relative to plank roads, and the same shall

be and are made a part of this act, except as herein otherwise provided.

Sec. 7. Said company shall be entitled to all the benefits of section ^{Benefita} eighteen of an act relative to plank roads, approved March 13th, A. D. 1848, but shall be exempt from the payment of the annual tax therein prescribed, until the nett profits of said company shall exceed seven per cent. upon the cost of said road, together with the necessary buildings and appurtenances thereunto belonging.

Sec. 8. This act shall take effect immediately.

Approved March 20, 1850.

[No. 127.]

AN ACT to incorporate the Fentonville and Milford Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That M. F. Lockwood, Jonas G. Porter, Z. M. Manny, John Galloway, Robert LeRoy, William M. Thurber, Deblar Burrows and E. Chase, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Fentonville and Milford Plank Road Company; and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be, and they are hereby created a body politic and corporate, by the name and style of the Fentonville and Milford Plank Road Company, with corporate succession. ^{Incorporation.}

Sec. 2. Said company hereby created shall have the power to lay ^{Route.} out, establish and construct a plank road, and all necessary buildings and appurtenances, from the village of Fentonville in the county of Genesee, to the village of Milford in the county of Oakland, with the right of uniting said road at any other point with the plank road of any other company.

Sec. 3. The capital stock of said company shall be twenty-five ^{Capital.} thousand dollars, to be divided into one thousand shares of twenty-five dollars each; and said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are made a part of this act.

Duration of charter. Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the Legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal, shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of law to which it is subject: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital invested: *Provided*, There be no violation of the charter of said company.

Proviso.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 128.]

AN ACT to incorporate the Erin and Mt. Clemens Plank Road Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Austin Wales, Henry D. Terry and Sylvester Larned, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Erin and Mt. Clemens Plank Road Company; and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Erin and Mt. Clemens Plank Road Company, with corporate succession.

Route.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the township of Erin in the county of Macomb, on the Fort Gratiot road, so called, eight miles, to or in the township of Mt. Clemens in said county of Macomb; commencing at the termination of the Detroit and Erin Plank Road, to wit: twelve miles from

the city of Detroit in the county of Wayne; with the privilege to extend the same from thence, on the most eligible route, to the village of Port Huron in the county of St. Clair: *Provided*, The same shall be constructed on the margin of the Fort Gratiot Turnpike. Proviso.

Sec. 3. The capital stock of said company shall be one hundred thousand dollars, in four thousand shares of twenty-five dollars each. Capital.

Sec. 4. As soon as said company shall be duly organized, the board of directors thereof are hereby authorized to enter upon and take possession of so much of the Fort Gratiot road, so called, as lies between the termination of the Detroit and Erin Plank Road, aforesaid, to wit: a point distant twelve miles from the city of Detroit in the county of Wayne, and the township of Mt. Clemens in the county of Macomb, and proceed to construct and maintain thereon a plank road: *Provided*, That during the construction of said plank road the said company shall in no wise prevent or improperly obstruct the usual travel thereon. Co. may take certain road.

Sec. 5. This act shall be and remain in force for the term of sixty years from and after its passage; but the Legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly net profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided*, There be no violation of the charter of said company. Duration charter

Sec. 6. Said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are made a part of this act. Gen. prov.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 23, 1850.

[No. 129.]

AN ACT to organize the County of Montcalm.

County of
Montcalm
organized.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the county of Montcalm shall be organized, and the inhabitants thereof entitled to all the rights and privileges to which by law the inhabitants of the other organized counties of this State are entitled.

Suits pend-
ing; how
disposed of.

Sec. 2. That all suits, prosecutions and other matters now pending before any court of record in Ionia county, or before any justice of the peace in said county, or that shall be pending at the time of the taking effect of this act, shall be prosecuted to final judgment and execution; and all taxes heretofore levied and now due, shall be collected in the same manner as though the county of Montcalm had not been organized.

Election.

Sec. 3. There shall be elected in the said county of Montcalm, on the first Monday of April in the year one thousand eight hundred and fifty, all the several county officers to which by law the said county is entitled; and said election shall in all respects be conducted and held in the manner prescribed by law for holding elections for county and State officers: *Provided*, That until such county officers are elected and qualified, the proper county officers of the county of Ionia shall perform all the duties appertaining to said county of Montcalm, in the same manner as though this act had not been passed: *And provided further*, That the county officers so to be elected, shall be qualified and enter upon the duties of their respective offices, on or before the fifteenth day of April, one thousand eight hundred and fifty.

proviso.

proviso.

Board of
canvassers.

Sec. 4. The board of canvassers in said county, under this act, shall consist of the presiding inspectors of elections from each township therein, and said inspectors shall meet at the county seat of said county at the time appointed by law for the county canvass, and immediately after the election authorized in the third section of this act, and organize by appointing one of their number chairman, and another secretary of said board, and shall thereupon proceed to discharge all the duties of a board of county canvassers as in ordinary cases of elections for county and State officers.

Sec. 5. That the county of Montcalm, when so organized, and the county of Ionia, shall constitute one representative district, and the election returns of said district shall be made to the county seat of the county of Ionia. Election returns.

Sec. 6. The circuit court for the county of Ionia shall have the same jurisdiction over the said county of Montcalm, that it would have, had this act not passed, until outhewise provided by law. Cir. court.

Sec. 7. That it shall be the duty of the sheriff of said county of Montcalm to provide some suitable place for holding courts in said county at the county seat thereof, until public buildings shall be erected. Duty of sheriff.

Sec. 8. That the county seat of the said county of Montcalm shall be and the same is hereby fixed and established on the north-east quarter of the north-east quarter of section sixteen, in township number nine north of range number eight west, until the year one thousand eight hundred and sixty, and until the same shall be permanently located as hereinafter provided; and the supervisors elected for the year eighteen hundred and sixty in said county, shall have the power, and it shall be their duty, permanently to locate the county seat of said county: *Provided*, That the inhabitants of the county shall not be taxed for the erection of county buildings until the permanent location of the county seat is made, as provided in section eight of this act. County seat — where located. Duty of supervisors. Provide.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 130.]

AN ACT to vacate the plat of Biddle City in the county of Ingham.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the plat of the town of Biddle City in the county of Ingham be and the same is hereby vacated.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 131.]

AN ACT to incorporate the Grand River Plank Road Company.

Incorporation. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Louis Campau, Amos Rathbone, Edmund B. Bostwick, Francis H. Cuming, Nelson Robinson, George M. Mills and Canton Smith; be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Grand River Plank Road Company; and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Grand River Plank Road Company, with corporate succession.

Route. Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings and appurtenances, from the village of Grand Rapids in the county of Kent, to the village of Portland in the county of Ionia, with the right of uniting said road at any other point with the plank road of any other company.

Capital. Sec. 3. The capital stock of said company shall be seventy-five thousand dollars, to be divided into three thousand shares of twenty-five dollars each; and said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are made a part of this act.

Duration of charter. Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the Legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of law to which it is subject:

Proviso. *Provided,* That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided,* There be no violation of the charter of said company.

Proviso

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 132.]

AN ACT to incorporate the Lansing and Howell Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That James Seymour, Hiram H. Smith, Ephraim B. Danforth, George W. Lee and Frederick O. Whipple, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Lansing and Howell Plank Road Company; and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Lansing and Howell Plank Road Company, with corporate succession. Incorporation.

Sec. 2. Said company hereby created shall have power to lay out, establish and construct a plank road, and all necessary buildings and appurtenances, commencing at Lansing, county of Ingham, and terminating in the village of Howell, county of Livingston, with the privilege of uniting said road at any point with the road of any other company. Route.

Sec. 3. The capital stock of said company shall be sixty thousand dollars, divided into two thousand four hundred shares of twenty-five dollars each. Capital.

Sec. 4. As soon as said company shall be duly organized, the board of directors thereof are hereby authorized to enter upon and take possession of so much of the Detroit and Grand River road, so called, as lies between the village of Lansing and the village of Howell, and proceed to construct and maintain thereon a plank road: *Provided*, That during the construction of said plank road, the said company shall in no wise prevent or improperly obstruct the usual track thereon: *Provided further*, That nothing herein contained shall be construed as conveying any other or further right in the said Grand River road than the State as such possesses: *And provided further*, That before the said company shall be entitled to the right of way on the Grand River road, the Detroit and Howell Plank Road Company shall file in the office of the Secretary of State, a notice that the said Detroit and Howell Plank Road Company have relinquished to the Lansing and Howell Plank Road Company the right Detroit and Grand River road.
Company to file notice in office of Sec. of State.

of way on the Grand River road from Lansing to Howell; such notice to be signed by the president and secretary.

Directors
may com-
mute with
stockhold'rs

Sec. 5. The directors of said company may commute with any of the stockholders thereof for any instalments upon their stock, by allowing them instead of paying their subscriptions in money, to take contracts, on giving satisfactory security for the fulfillment of the same, by furnishing any part of the materials or executing any part of the construction of said road.

Capital stock

Sec. 6. The Detroit and Howell Plank Road Company are hereby authorized to subscribe to the capital stock of the said Lansing and Howell Plank Road Company to an amount not exceeding fifteen thousand dollars.

Duration of
charter.

Sec. 7. This act shall be and remain in force for the term of sixty years from and after its passage; but the Legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested.

Proviso.

General
provisions.

Sec. 8. The said company shall be subjected to the provisions of all general laws now in force relative to plank roads, and the same are made a part of this act, except so far as otherwise provided in this act.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 133.]

AN ACT to incorporate the Kalamazoo and Gull Prairie Plank Road Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Samuel Boyles, Alfred Thomas, Sam-

nel Clark, John F. Gilkey and L. Vanderwalker, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Kalamazoo and Gull Prairie Plank Road Company; and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Kalamazoo and Gull Prairie Plank Road Company, with corporate succession.

Sec. 2. Said company hereby created shall have the power to lay Route. out, establish and construct a plank road, and all necessary buildings and appurtenances, from the village of Kalamazoo in the county of Kalamazoo, to Gull Prairie in the county of Kalamazoo, with the right of uniting said road at any point with the plank road of any other company.

Sec. 3. The capital stock of said company shall be fifteen thousand Capital. dollars, to be divided into three hundred shares of fifty dollars each; and said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are made a part of this act.

Sec. 4. This act shall be and remain in force for the term of six- Duration of ty years from and after its passage; but the legislature may at any charter. time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of law to which it is subject: *Provided*, That after said thirty years, no alteration or Proviso. reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided*, There be no violation of the charter of said Proviso. company.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 134.]

AN ACT to authorize Julia A. Grougan to assign a certain land certificate.

Authority to assign certificate. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Julia A. Grougan, widow of John Grougan, deceased, be and she is hereby authorized to sell and assign to any person the certificate of sale issued at the State land office, of the south-east quarter of the north-west quarter of section number sixteen, in town two north of range three east, in the county of Livingston: *Provided*, That such assignment shall not be of any effect unless the judge of probate of the said county of Livingston shall certify on the back of said certificate his approval of the same:

Proviso. *Provided further*, That before the said Julia A. Grougan shall sell and assign the said certificate, she shall execute and deliver to the judge of probate of the said county of Livingston, a bond in such penalty as the said judge shall direct, conditioned that she, the said Julia, will invest the proceeds of such sale in other real estate, or in some productive stock, or put the same at interest, for the benefit of the heirs of the said John Grougan, deceased.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 135.]

AN ACT to authorize Nathaniel A. Balch, administrator, to sell certain real estate belonging to the estate of Walter Clark, late of Kalamazoo, deceased.

Authority to sell certain real estate. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Nathaniel A. Balch, as administrator of the estate of Walter Clark, deceased, be and he is hereby authorized to sell on credit and at private sale, subject to the approval of the judge of probate for the county of Kalamazoo, the following described pieces of land belonging to the assets of said estate, to wit: The west half of the south-west fractional quarter of section seven, township six south of range fourteen west, containing fifty-seven and fifty-two one-hundredths acres, situated in the county of Cass;

also the undivided half of the north-east quarter of section thirty-two; the undivided half of the west half of the north-west quarter of section thirty-three, and the undivided half of the west half of the south-west quarter of section twenty, in township three north of range fifteen west, in the county of Allegan, all in the State of Michigan.

Sec. 2. Said sale shall be made within the period of three years Sale; when to be made. from and after the passage of this act, and shall not be made on a credit of a period longer than three years from and after the date of such sale, and only upon such security as the judge of probate for the county of Kalamazoo, aforesaid, shall direct.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 136.]

AN ACT to organize the township of Bushnell.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That townships number nine and ten north of range number six west, in the county of Montcalm, be and they are hereby set off from the township of Montcalm, and organized into a separate township, by the name of Bushnell; and the first township meeting in said township shall be held at the house of Joseph Stevens.

Sec. 2. This act shall take effect immediately.

Approved March 20, 1850.

[No. 137.]

AN ACT to authorize George M. Fifield to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That George M. Fifield, minor son of Henry E. Fifield, of the township of Vevay, county of Ingham, be and he is hereby authorized and empowered to convey unto Henry E. Fifield, the south-east quarter of section seventeen, in town two north of range one west: *Provided*, That no such conveyance shall Authority to convey certain real estate. Provision.

be of any effect unless the judge of probate of the said county of Ingham shall, under his hand and seal of his office, certify upon the back of said conveyance his approval of the same.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 25, 1860.

[No. 138.]

AN ACT to incorporate the Kalamazoo and Grand Rapids Plank Road Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That F. I. Tanner, Theodore P. Sheldon, George W. Barnes, Isaac Moffatt, J. P. Woodbury, George Kendall, Charles H. Taylor and A. J. Deiderick, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Kalamazoo and Grand Rapids Plank Road Company; and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Kalamazoo and Grand Rapids Plank Road Company, with corporate succession.

Route.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings and appurtenances, from the village of Kalamazoo in the county of Kalamazoo, to the village of Grand Rapids in the county of Kent, with the right of uniting said road at any other point with the plank road of any other company.

Capital.

Sec. 3. The capital stock of said company shall be seventy thousand dollars, to be divided into two thousand eight hundred shares of twenty-five dollars each; and said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are hereby made a part of this act.

Duration of charter.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each

branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of law to which it is subject: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided*, There be no violation of the charter of said company.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 25, 1850.

[No. 139.]

AN ACT to consolidate and amend the laws relative to the establishment of a State Normal School.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all acts done and contracts made by and with the board of education under and by virtue of "an act to establish a State Normal School," approved March twenty-eighth, eighteen hundred and forty-nine, and the act supplementary thereto, approved March thirty-first, eighteen hundred and forty-nine, be and they are hereby ratified and confirmed.

Sec. 2. That a State Normal School be established and continued at Ypsilanti in the county of Washtenaw, upon the site selected by said board of education, the exclusive purposes of which shall be the instruction of persons, both male and female, in the art of teaching, and in all the various branches that pertain to a good common school education. Also to give instruction in the mechanic arts, and in the arts of husbandry and agricultural chemistry; in the fundamental laws of the United States, and in what regards the rights and duties of citizens.

Sec. 3. The said Normal School shall be under the direction of a board of education, and shall be governed and supported as herein provided. Said board shall provide for the erection of suitable buildings on the site selected as soon as the title thereto is vested in them

in fee, and the means in their hands for that purpose are sufficient; and they may appoint a suitable person to superintend the erection of said buildings.

Board of education. **Sec. 4.** Said board of education shall hereafter consist of six members, three of whom shall be appointed by the Governor, by and with the advice and consent of both branches of the Legislature. The members of said board heretofore appointed shall hold their offices for the term for which they were designated. At the session of the Legislature for the year eighteen hundred and fifty, and annually thereafter, the vacancies occurring shall be filled as above directed by appointment, the term of which shall be three years. The Governor shall, by appointment, fill any vacancy that may occur when the Legislature is not in session; such appointment to expire at the close of the next session of the Legislature. The Lieutenant Governor, the State Treasurer, and the Superintendent of Public Instruction, shall, by virtue of their office, be members of said board, and the latter shall be their secretary, and shall keep an exact and detailed account of their doings. He shall also communicate such reports to the Legislature as are required by this act. The State Treasurer shall, by virtue of his office, be treasurer of said board, and the members thereof shall annually elect one of their number president. And no member of said board of education shall, during his continuance in office as a member of said board, act as the agent of any publisher or publishers of school books or school library books, or be or become interested in the publication or sale of any such books as agent or otherwise. And the Governor of this State is hereby authorized and required, upon satisfactory evidence being produced to him that any member of said board is employed as such agent, or is interested in the manner aforesaid, to remove such member of said board from office, and to appoint another member in his place to fill such vacancy.

How appointed.

Term.

Vacancy—how filled.

Members.

Secretary.

Treasurer.

Powers of Governor.

Powers of Board of education. **Sec. 5.** Said board of education shall have power to appoint a principal and assistant to take charge of said school, and such other teachers and officers as may be required in said school, and fix the salary of each, and prescribe their several duties. They shall also have power to remove either the principal, assistant, or teachers, and to appoint others in their stead. They shall prescribe the various books to be used in said school, and shall make all the regulations

and by-laws necessary for the good government and management of the same.

Sec. 6. Said board shall also establish an experimental school in connection with the Normal School, and shall make all the regulations necessary to govern and support the same, and may in their discretion admit pupils free of charge for tuition. Experimental school.

Sec. 7. Said board shall have power, and it shall be their duty, from time to time, as the means at their disposal may warrant, to provide suitable grounds and buildings, implements of husbandry and mechanical tools, either by purchase or lease, for the purpose of more effectually and experimentally carrying out the provisions of the second section of this act, "to give instruction in the mechanic arts, and in the arts of husbandry any [and] agricultural chemistry." Powers and duties of Board of education.

Sec. 8. As soon as said Normal School is prepared to receive pupils, the Superintendent of Public Instruction shall give notice of the fact to each county clerk in the State, and shall publish said notice in a newspaper published in each senatorial district. Supt. Public Instruction to give notice, &c.

Sec. 9. The board of education shall ordain such rules and regulations for the admission of pupils to said school as they shall deem necessary and proper. Every applicant for admission shall undergo an examination in such manner as may be prescribed by the board; and if it shall appear that the applicant is not a person of good moral character, or will not make an apt and good teacher, such applicant shall be rejected. The board of education may, in their discretion, require any applicant for admission to said school—other than such as shall, prior to such admission, sign and file with said board a declaration of intention to follow the business of teaching primary schools in this State—to pay, or secure to be paid, such fees for tuition as to said board shall seem reasonable. Rules and regulations for admission of pupils.

Sec. 10. Any person may be admitted a pupil of said school who shall pass a satisfactory examination: *Provided*, That the applicant shall, before admission, sign a declaration of intention to follow the business of teaching primary schools in this state: *And provided further*, That pupils may be admitted without signing such declaration of intention, on such terms as the Normal School board may prescribe; and that each county shall be entitled to send pupils in the ratio of the representatives in the State Legislature to which it may be entitled, not to exceed such number as the board may prescribe. Applicants to sign declaration of intention to become teachers.

Board of Visitors; how appointed. Sec. 11. After said school shall have commenced its first term, and at least once in each year thereafter, it shall be visited by three suitable persons, not members, to be appointed by the board of education, who shall examine thoroughly into the affairs of the school, and report to the Superintendent of Public Instruction their views with regard to its condition, success and usefulness, and any other matters they may judge expedient. Such visitors shall be appointed annually.

Duty of Sup. Pub. Inst. Sec. 12. It shall be the duty of the Superintendent of Public Instruction, once at least in each term, to visit said school; and he shall annually make to the legislature a full and detailed report of the doings of the board of education, and of all their expenditures, and the moneys received for tuition, and the prospects, progress and usefulness of said school, including so much of the reports of said visitors as he may deem advisable.

Lectures. Sec. 13. Lectures on chemistry, comparative anatomy, astronomy, the mechanic arts, agricultural chemistry, and on any other science, or any branch of literature that the board of education may direct, may be delivered to those attending said school, in such manner, and on such terms and conditions as the board of education may prescribe.

Examinat'n of pupils. Sec. 14. As soon as any person has attended said institution twenty-two weeks, said person may be examined in the studies required by the board, in such manner as may be prescribed; and if it shall appear that said person possesses the learning and other qualifications necessary to teach a good common school, said person shall receive a certificate to that effect from the principal, to be approved by the Superintendent of Public Instruction.

Certificate of qualifications. Sec. 15. The board of education shall have the power and authority to demand and receive the sum or sums donated and subscribed by the citizens of Ypsilanti and its vicinity, in such manner as said board may prescribe, and apply the same to the erection and completion of the necessary buildings, the purchase of the necessary books, apparatus, furniture and fixtures, and for various other incidental expenses to be incurred by said board in pursuance of the provisions of this act; and if any surplus shall remain, to apply the same in defraying the expenses of conducting said school. And any deficit which may arise in the erection and completion of said build-

Donations and subscriptions;

How to be applied.

Deficit; how paid.

ings and purchases aforesaid, shall be paid out of the principal to be received on the sale of lands hereinafter mentioned, not to exceed the sum of ten thousand dollars. Such sum shall be paid from time to time on the warrant of the Auditor General, to be drawn in pursuance of the certificate of the superintendent of building or secretary of the board, and countersigned by the president of the board of education; and no such certificate shall be issued until work shall be done, or services rendered, or buildings erected, or books, apparatus, fixtures or furniture purchased for the Normal School, under the direction of the board of education, entitling the applicant to such certificate, according to a contract or agreement with said board for that purpose, or for services and expenses of the board or some member thereof, in connection with the selection of the site, or the erection of the Normal School buildings, or the improvement of the grounds.

Sec. 16. The ten sections of salt spring lands, located by the board of education under the provisions of sections fifteen and sixteen of "an act to establish a State Normal School," approved March 28, 1849, together with the fifteen sections of said salt spring lands located under the provisions of section sixteen of said act, and all such lands as may be granted by Congress, or received or set apart (in any manner) in lieu of any portion of said land to which the title may prove insufficient, and all donations, in land or otherwise, to the State in trust or to the board of education for the support of a Normal School, shall constitute a fund, to be called the Normal School endowment fund, and shall be reserved from sale until the same shall be appraised. The minimum price of said lands shall be four dollars per acre; and it shall be the duty of the officer authorized to sell said lands, to cause the same to be appraised as soon as practicable, in the manner provided for the appraisal of other lands; none of said lands shall be sold for less than the minimum price fixed by law. It shall not be necessary to appraise any of said lands which have heretofore been appraised under existing provisions of law; and the proceeds of sales of any of said lands heretofore appraised and sold, shall constitute a part of the fund herein provided. After such appraisal, such land shall be and remain subject to sale at the State land office, as is now or shall be hereafter provided by law; and the principal shall be and remain a perpetual fund for the use of said institution, (except as herein provided.) The instalments

Endowment
fund.

Minimum
price of
lands.

Installments of principal; where paid. of principal paid by the purchasers, shall be paid into the State treasury; and the interest thereon from the time of its receipt, or from the time of the preceding computation of interest, as the same may be, shall be computed by the Auditor General and State Treasurer, at the close of each fiscal year, at the rate of six per cent. per annum, and together with all interest paid by purchasers of any portion of said lands, shall be passed to the credit of the Normal School interest fund, to be drawn therefrom upon the warrant of the Auditor General, issued in pursuance of a certificate of the board of education, signed by their secretary and countersigned by their president, that the money is due and payable to the principal of the Normal School, or his assistants, or the teachers or officers employed, or to the members of the board, or the board of visitors, as herein authorized; or for necessary incidental expenses in the support or maintenance of said school or some of its departments.

Interest—how computed. Interest fund.

How expended.

Funds under control of board of education. Sec. 17. Said funds shall be under the direction and control of the board of education, subject to the provisions herein contained. The treasurer of said board shall pay out of the proper fund all orders or drafts for moneys to be expended under the provisions of this act. Such orders or drafts to be drawn by the Auditor General on the certificate of the secretary, countersigned by the president of the board. No such certificates shall be given except upon accounts audited and allowed by the board at a regular meeting.

Expenses; how paid. Sec. 18. The services and all necessary traveling and other expenses already or hereafter to be incurred by any member of the board of education, or the board of visitors, shall be paid on the proper certificate out of any funds belonging to said institution in the hands of the treasurer, until the erection and completion of the necessary buildings. The principal, assistants, teachers and other officers employed in said school, shall be paid out of the Normal School interest fund, and from receipts for tuition; and the services and expenses of the board of education, after the erection of the necessary buildings, and other expenses incident to said institution, shall be paid for out of the Normal School interest fund, in the same manner, as near as may be, as is required in regard to moneys drawn for the payment

Pay of members and visitors. of the principal or other teachers. The members of the board of education and the visitors shall be entitled to two dollars per day for

their actual services, and to their necessary traveling and other expenses.

Sec. 19. For the purpose of rendering more efficient their organization and to enable them the more fully to carry into effect the provisions herein contained, the members of the board of education now holding their offices under the provisions of "an act to establish a State Normal School," approved March 28th, 1849, and their successors in office, are hereby constituted a body politic and corporate, by the name of "The Board of Education," for the purposes herein contemplated, and subject to such modifications as may be made thereto, and in that name shall have perpetual succession, and shall be and they are hereby empowered to purchase, have, hold, possess and enjoy to themselves and their successors, lands, tenements, hereditaments, goods, chattels and effects of every kind, and the same to grant, alien, sell, invest and dispose of, to sue and be sued, plead, and be impleaded in all courts in this State, to have and to use a common seal, and the same to change, alter and renew at pleasure, and to make such by-laws and regulations as they may deem proper for the well ordering and government of said corporation and the transaction of its business: *Provided*, The same be not repugnant to the constitution or laws of this State or of the United States.

Sec. 20. Said corporation shall be subject to the provisions of chapter fifty-five of the revised statutes of 1846, so far as the same can apply, and are not inconsistent with the provisions of this act. They shall have power to transact all necessary business at any meeting, a quorum being present; and meetings may be called in such manner as their by-laws may provide, and a quorum shall consist of a majority of the members. The first meeting under this act may be held at such time and place as may be directed by the secretary, and no publication of notice thereof shall be necessary; and the attendance of a quorum shall render valid the proceedings of such meeting. All process against said corporation shall be served on the president or secretary thereof.

Sec. 21. Sections four, fifteen and sixteen of "an act to establish a State Normal School," approved March 28th, 1849, and all of the provisions of said act and the act supplementary thereto, which are inconsistent with the provisions of this act, are hereby repealed.

Sec. 22. This act shall take effect and be in force from and after

its passage, and the Legislature may at any time alter, amend or repeal the same by a vote of two-thirds of the members present in each house.

Approved March 25, 1850.

[No. 140.]

AN ACT to incorporate the Paw Paw and Allegan Plank Road Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That I. W. Willard, James Crane, J. R. Baker, of Van Buren county; Henry H. Booth, Joseph Fisk, Abraham Hoag, Joshua Hill, Charles Parkhurst, D. W. C. Chapin, Eber Sherwood, A. Rossman, of Allegan county, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Paw Paw and Allegan Plank Road Company; and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Paw Paw and Allegan Plank Road Company, with corporate succession.

Route.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct on the most eligible route, a plank road and all necessary buildings and appurtenances, commencing at the village of Paw Paw in the county of Van Buren, and terminating and intersecting with the Kalamazoo and Grand River Plank Road, at the most eligible point in the county of Allegan, with the privilege of uniting said road at any point with the road of any other company.

Capital.

Sec. 3. The capital stock of said company shall be twenty thousand dollars, divided into eight hundred shares of twenty-five dollars each.

Directors may commute.

Sec. 4. The directors of said company may commute with any of the stockholders thereof, for any instalments upon their stock, by allowing them, instead of paying their subscription in money, to take contracts, on giving satisfactory security for the fulfillment of the same,

by furnishing any part of the materials, or executing any part of the construction of said road.

Sec. 5. This act shall be and remain in force for the term of sixty years from and after its passage; but the Legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal, shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested.

Duration of charter.

Proviso.

Sec. 6. Said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are hereby made a part of this act.

Subject to general laws

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 25, 1850.

[No. 141.]

AN ACT to incorporate the Union City and Fremont Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Thomas Mosely, William Aldrich, Harvey Warner, L. D. Crippen, Henry C. Lewis, James Pierson, Stewart Davis, Daniel Wilson, William Chase, and Oliver Burdick, Jr., of the county of Branch, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Union City and Fremont Plank Road Company; and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name of the Union City and Fremont Plank Road Company.

Incorporation.

Sec. 2. Said company hereby created shall have the power to lay

Rails.

out, establish and construct a plank road, and all necessary buildings and apparatus, from the village of Union City in the county of Branch, on the most eligible route to the State line dividing the State of Michigan from the State of Indiana, by the way of Hercules' Mills in the township of Union, thence to Coldwater, Oviad and Kinderhook, in the county of Branch.

Capital. Sec. 3. The capital stock of said company shall be thirty thousand dollars, to be divided into twelve hundred shares of twenty-five dollars each, with the power to increase said capital stock to fifty thousand dollars, with a corresponding increase of the number of shares.

Duration of charter. Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the Legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided*, There be no violation of the charter of said company.

Proviso.

Charter. Sec. 5. If the company shall complete six miles of said road at any one place on the line of said road, within the time limited for the completion of the whole of said road, the charter of said company shall be and remain in force for that extent of road as fully as if the whole road had been completed.

General provisions. Sec. 6. Said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are hereby made a part of this act.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 25, 1850.

[No. 142.]

AN ACT to incorporate the Cassopolis and Dowagiac Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives* ^{incorpora-}
of the State of Michigan, That Ezekiel S. Smith, Asa Kingsbury, ^{tion.}
Henry C. Seybrook, Joshua Lofland, Simeon E. Dow, Andrew J.
Mosher and Patrick Hamilton, of the county of Cass, be and they are
hereby appointed commissioners, under the direction of a majority of
whom subscriptions may be received to the capital stock of the Cassop-
olis and Dowagiac Plank Road Company; and the subscribers thereto,
with such other persons as they shall associate with them for that pur-
pose, their successors and assigns, shall be and they are hereby cre-
ated a body politic and corporate, by the name and style of the Cass-
opolis and Dowagiac Plank Road Company, with corporate succe-
sion.

Sec. 2. Said company hereby created shall have the power to lay ^{Route.}
out, establish and construct a plank road, and all necessary build-
ings, from the village of Cassopolis, on the most eligible route to
the village of Lagrange, thence upon the most feasible route to the
village of Dowagiac in the county of Cass.

Sec. 3. The capital stock of said company shall be twelve thou- ^{Capital.}
sand dollars, in four hundred and eighty shares of twenty-five dol-
lars each.

Sec. 4. This act shall be and remain in force for the term of sixty ^{Duration of}
years from and after its passage; but the Legislature may at any ^{charter:}
time alter, amend or repeal this act by a vote of two-thirds of each
branch thereof; but such alteration, amendment or repeal shall not
be made within thirty years from the passage of this act, unless it
shall be made to appear to the Legislature that there has been a vi-
olation by the company of some of the provisions of this act: ^{Pro-}
^{viso.} *vided,* That after said thirty years, no alteration or reduction of the
tolls of said company shall be made during its existence, unless the
yearly nett profits of said company, over and above all expenses,
shall exceed ten per cent. on the capital stock invested: ^{Provided,} ^{Proviso.}
Provided, There be no violation of the charter of said company.

Sec. 5. The said company shall be subject to all general laws of ^{General}
this State now in force relative to plank roads, and the same are ^{provisions.}
made a part of this act.

Banking
prohibited

Sec. 6. This act shall not be construed to give any banking power to said company, directly or indirectly.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 25, 1850.

[No. 143.]

AN ACT to authorize C. C. Darling and B. F. Bailey to erect a dam across the Grand River.

Dam author-
ized.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That C. C. Darling and B. F. Bailey be and the same are hereby authorized to erect and maintain a dam across Grand River, on the south-west quarter of section twenty-four, in township three north of range three west, in the county of Eaton.

Description

Sec. 2. The said dam shall not be more than six feet in height above common low water mark; and shall have constructed therein a shute or slide, so as to permit the free passage of all boats, rafts and other water craft navigating said river, which shute or slide shall be constructed in said dam at the time of the erection thereof; and the said C. C. Darling and B. F. Bailey, their heirs or assigns, shall keep the same in good repair.

Rights of
persons re-
served.

Sec. 3. Nothing herein contained shall permit the said C. C. Darling and B. F. Bailey, their heirs or assigns, to enter upon or flow the lands of any other person or persons, without the consent of such person or persons.

Damages.

Sec. 4. If at any time hereafter the water should be required to be drawn from said river for the purposes of internal improvements or navigation, it shall not be lawful for the said C. C. Darling and B. F. Bailey, their heirs or assigns, to receive any damages therefor.

Trespass on
dam, &c.

Sec. 5. Any person who shall destroy, or in any wise injure said dam, shute or slide, shall be deemed to have committed a trespass upon the owners thereof, and be liable accordingly; and any person who shall wilfully or maliciously destroy or injure said shute or slide, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine or imprisonment in the county jail, or both, in the discretion of the court.

Sec. 6. The Legislature shall have the power at any time hereafter to alter, amend or repeal this act.

Sec. 7. This act shall take effect from and after its passage.

Approved March 25, 1850.

[No. 144.]

AN ACT to amend an act entitled an act to exempt a homestead from forced sale in certain cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section one of an act entitled "an act to exempt a homestead from forced sale in certain cases," approved March 25th, 1848, be and the same is hereby amended by adding thereto the words following: "This section shall be deemed and construed to exempt such homestead in the manner aforesaid during the time it shall be occupied by the widow or minor child or children of any deceased person who was when living entitled to the benefits of this act." Act amended.

Sec. 2. That section two of said act to which this act is amendatory, be and the same is hereby amended by adding to end of said section the following: "Unless such mortgage shall be given to secure the payment of the purchase money or some portion thereof." Homestead; when exempt.
Mortgagee's purchase money.

Sec. 3. This act shall take effect from and after its passage.

Approved March 25, 1850.

[No. 145.]

AN ACT to amend an act entitled an act to incorporate the Hillsdale and Indiana Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all the provisions of the act incorporating the Hillsdale and Indiana Plank Road Company, approved April 3d, 1848, which it was made necessary for the company to comply with and perform within a limited time from the passage of said act, are hereby extended two years beyond the time provided. Time extended.

Privileges. for in said act; and if the said company shall, within two years of the time provided for in the said act of incorporation, comply with such provisions, they shall be entitled to all the rights and privileges granted and secured in the said act of incorporation, as fully as if they had complied with such provisions within the time prescribed in the said act of incorporation.

May erect toll gate. Sec. 2. Whenever said company shall have completed three consecutive miles at the eastern termination of said road, the directors may erect a toll gate and take tolls: *Provided*, That unless the said company shall, within eighteen months from the time they shall erect such gate, have completed at least five consecutive miles, they shall take down said gate and exact no toll until they shall have five miles so completed.

Act amended. Sec. 3. Section first of the act incorporating said company shall be amended by striking out of said section the name of Joel McCol-lum, and insert instead thereof the name of John P. Cook.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 25, 1850.

[No. 146.]

AN ACT to organize certain townships therein named.

Township of Imlay organized. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That towns number seven and eight north of range number twelve east, in the county of Lapeer, be and the same are hereby set off from the townships of Almont and Lapeer, and organized into a separate township, by the name of Imlay, and the first township meeting therein shall be held at the house of Joseph Denean, in said township.

Township of Hope organized. Sec. 2. That town number two north of range number nine west, in the county of Barry, be and the same is hereby set off from the township of Barry, and organized into a separate township, by the name of Hope, and the first township meeting therein shall be held at the school house near the house of Alvah Mott, in said township.

Township of Hazeton organized. Sec. 3. That town number eight north of range number four east, in the county of Shiawassee, be and the same is hereby set off from

the township of New Haven, and organized into a separate township, by the name of Hazleton, and the first township meeting therein shall ^{1st meeting.} be held at the house of Stanton S. Latham, in said township.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 25, 1850.

[No. 147.]

AN ACT to incorporate the Royal Oak and Rochester Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That E. M. Cook, Wheeler Clark, Almon Mack, Virgil Rose and William Flummerfelt, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Royal Oak and Rochester Plank Road Company, and the subscribers thereto, with such other persons as they shall associate with them for that purpose, ^{Incorporation} their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Royal Oak and Rochester Plank Road Company, with corporate succession.

Sec. 2. Said company hereby created shall have the power to lay ^{Route.} out, establish and construct a plank road, and all necessary buildings and appurtenances, from the house of Virgil Rose, in the township of Royal Oak in the county of Oakland, on the most eligible route to Union Corners in the township of Troy, in the county of Oakland, with the privilege of extending said road to the village of Rochester in the aforesaid county.

Sec. 3. The capital stock of said company shall be twenty thousand dollars, divided into eight hundred shares of twenty-five dollars each, with the power to increase said capital stock to thirty thousand dollars, with a corresponding increase of the number of ^{Capital.} shares.

Sec. 4. This act shall be and remain in force for the term of sixty ^{Duration of} years from and after its passage; but the Legislature may at any ^{charter.} time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not

be made within thirty years from the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of this act: *Provided*,

Provided.

That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided*, There be no violation of the charter of said company.

Provided.

*Subject to
general laws*

Sec. 5. Said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are hereby made a part of this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 25, 1850.

[No. 148.]

AN ACT to incorporate the Howell and Byron Plank Road Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That George W. Lee, Josiah Turner, B. W. Dennis, F. J. Provost and Noah Ramsdell, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Howell and Byron Plank Road Company; and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Howell and Byron Plank Road Company, with corporate succession.

Route.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct [a] plank road, and all necessary buildings and appurtenances, commencing in the village of Howell, county of Livingston, and terminating in the village of Byron in the county of Shiawassee, with the privilege of uniting said road at any point with the road of any other company.

Capital.

Sec. 3. The capital stock of said company shall be thirty thou-

and dollars, divided into one thousand two hundred shares of twenty-five dollars each.

Sec. 4. The directors of said company may commute with any ^{Directors may commute.} of the stockholders thereof for any instalments upon their stock, by allowing them, instead of paying their subscription in money, to take contracts, on giving satisfactory security for the fulfilment of the same, by furnishing any part of the materials or executing any part of the construction of said road.

Sec. 5. This act shall be and remain in force for the term of sixty ^{Duration of charter.} years from and after its passage; but the Legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of this act: ^{Proviso.} *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested.

Sec. 6. Said company shall be subject to all general laws of this ^{Subject to general laws} State now in force relative to plank roads, and the same are hereby made a part of this act.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 25, 1850.

[No. 149.]

AN ACT to incorporate the Clarkston Academical Institute.

Section 1. *Be it enacted by the Senate and House of Representatives* ^{Incorporation.} *of the State of Michigan*, That Nelson Abby, Horatio Foster, Jr., David A. Wright, Amos Orton, William C. Scranton, Arthur Davis, Marcus W. Riker, George P. Thurston, Albert G. Robinson, Joseph Gambell, David McKnight, Arza C. Crosby, Alexander Turbush, Nelson W. Clark, Thomas Johnson, Jacob Walter, and Edward Bartlett, together with such other persons as may become associated with them as members of the Clarkston Academical Association, or

Institute; where located. under this act, are hereby created, shall be and they are hereby constituted and declared to be a body corporate and politic by the name of the Clarkston Academical Institue, which shall be located in the village of Clarkston in the county of Oakland; and in their corporate name may sue and be sued, and may have a common seal which they may alter or renew at pleasure, and shall enjoy and may exercise all the powers, rights and privileges which may appertain to corporate bodies for the purpose mentioned in this act; and all obligations and liabilities created or existing to or with said association, are hereby transferred to said incorporation, and may be enforced by said incorporation as fully as by said association.

Powers of corporation

Liabilities transferred.

Capital. Sec. 2. The capital stock of said corporation shall not exceed the sum of six thousand dollars, and shall be divided into shares of ten dollars each: *Provided*, That the real estate which said corporation may hold shall only be such as shall be necessary for the object of said corporation.

Proviso.

Powers of corporation Sec. 3. The corporation hereby created shall be forever capable in law to purchase, take, receive, hold and enjoy any estate real and personal whatever, to an amount not exceeding six thousand dollars, and to lease, sell and convey, or otherwise dispose of the same for the benefit of the stockholders.

Trustees; their classification, &c. Sec. 4. There shall be forever hereafter seventeen trustees of said corporation, who shall be members thereof, and who shall manage all the affairs thereof; and the first trustees shall be Nelson W. Clark, president; Thomas Johnson, vice president; Edward Bartlett, secretary; Jacob Walter, treasurer; Nelson Abby, Horatio Foster, Jr., David A. Wright, Amos Orton, William C. Scranton, Arthur Davis, Marcus W. Riker, George P. Thurston, Albert G. Robinson, Joseph Gambell, David McKnight, Arza C. Crosby and Alexander Turbush, who shall hold their offices until the third Wednesday in August, 1850, and until others are elected in their places.

General meeting. Sec. 5. There shall be on the third Wednesday in August, 1850, and on the third Wednesday in August in every succeeding year, a general meeting of the members of said corporation at some convenient place in the village of Clarkston, to be designated by the laws of said corporation; and a majority of the members who shall meet in person or by proxy, shall elect by ballot, a president, vice president, treasurer, and secretary, and seventeen trustees of the said

corporation, who shall constitute a board for the management of its affairs, who shall immediately enter upon the duties of their offices, and who shall hold the same from the time of their election until the third Wednesday in August of the ensuing year, and until others are chosen in their stead; and in case any of the trustees shall resign, die, refuse or neglect to act, then and in every such case the remaining trustees may elect by ballot other members of said corporation in their stead, who shall hold their offices in the same manner as those first elected.

Officers:
how elected

Sec. 6. Each member shall be entitled to one vote for each share of which he shall be holder; and the said trustees shall receive subscriptions for shares in said corporation until the capital stock may be subscribed; and said shares be assignable and transferrable according to such rules as the board of trustees shall from time to time make and establish.

Subscriptions
to capital
stock.

Sec. 7. In case it should at any time happen, than [that] an election of Trustees should not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be dissolved, but it shall and may be lawful on any other day to hold an election for trustees in such manner as shall be provided by the laws and ordinances of said corporation.

Election of
trustees in
certain cases

Sec. 8. The trustees may by their by-laws make all necessary rules and regulations for calling special meetings, and changing the time of the annual meetings, and for the government and maintenance of said institute, and for no other purpose whatever; and a majority of the trustees shall constitute a quorum for the transaction of business.

Trustees.

Sec. 9. A board of visitors shall be appointed annually by the trustees, whose duty it shall be to attend all examinations, and from time to time make a personal examination into the state of the institute in all its departments, and report the result to the trustees, suggesting such improvements as they may deem important.

Annual ap-
pointment
of board of
visitors.

Sec. 10. It shall be the duty of the trustees to submit to the Superintendent of Public Instruction an annual report, exhibiting the number of pupils in the institute, and the condition thereof in all its departments, and he may submit the same to the Legislature in his annual report.

Annual re-
port

Sec. 11. This act shall take effect from and after its passage.
Approved March 25, 1850.

[No. 150.]

AN ACT to incorporate the Decatur and St. Josephs Plank Road Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Solomon Wheeler, B. C. Hoyt, Henry Morton and Samuel McRoys of Berrien county, and William Sherwood, Henry Coleman and W. H. Keeler of Van Buren county, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Decatur and St. Josephs Plank Road Company; and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name of the Decatur and St. Josephs Plank Road Company, with corporate succession.

Route.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings and appurtenances, commencing at the village of Decatur in Van Buren county, on the most eligible route, and terminating at the village of St. Josephs, Berrien county; with the privilege of uniting said road at any point with the road of any other company.

Capital.

Sec. 3. The capital stock of said company shall be thirty thousand dollars, to be divided into twelve hundred shares of twenty-five dollars each.

Directors may commute with stockholders

Sec. 4. The directors of said company may commute with any of the stockholders thereof for any instalments upon their stock, by allowing them instead of paying their subscription in money, to take contracts, on giving satisfactory security for the fulfillment of the same, by furnishing any part of the materials, or executing any part of the construction of said road.

Duration of charter.

Sec. 5. This act shall be and remain in force for the term of sixty years from and after its passage; but the Legislature may at any time

after, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested.

Sec. 6. Any person suffering damage from the insufficiency, mis-
management or bad condition of said road, may recover the same before any justice of the peace or other court having competent jurisdiction. Said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are hereby made a part of this act.

Sec. 7. Whenever said company shall fail to construct one-tenth of said road in any one year after its commencement, it shall be lawful for any other person or persons to subscribe the stock for such extension of one-tenth, and it shall be the duty of said company to open books and receive subscriptions to said stock. Whenever an amount sufficient for such extension shall be subscribed and paid in, or secured to be paid in, said company shall proceed promptly with the construction of said portion of said road. Said last mentioned subscribers shall, from the time of payment of their subscriptions, be deemed stockholders in the stock of the whole road.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved March 25, 1850.

[No. 151.]

AN ACT to provide for the laying out and establishing a State Road from Lexington in Sanilac county, to Point Aux Barque in Huron county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Jarvis Hurd, Peter F. Brakman and James L. Smith, be and they are hereby authorized and appointed commissioners to lay out and establish a State road, commencing

at a point near the village of Lexington, thence on the most eligible route to some point near Point Aux Barque, in Huron county.

Survey,
where filed.

Sec. 2. The commissioners named in this act shall file so much of the survey of said road as may be embraced in any township through which the same may pass, in the town clerk's office in said township, which survey shall be entered on record by the clerk of said township.

State not
liable.

Sec. 3. The State shall not be chargeable for the laying out and establishing of said road, or for any expenses or damages whatever, connected therewith; and this act shall be void as to said road, unless the same shall be laid out, surveyed and recorded within two years from and after the passage of this act.

Duty of
commissioners

Sec. 4. It shall be the duty of the highway commissioners of the several townships through which the road to be established by this act may pass, to cause the same to be opened agreeable to the actual survey as ordered and established by said commissioners, in the same manner as is provided by law for the opening of other roads in the several townships of this State.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 25, 1850.

[No. 152.]

AN ACT to incorporate the Lawrence and St. Joseph Plank Road Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That H. N. Phelps, John Andrew, Isaac N. Swain, John R. Haynes, Talman Wheeler, B. C. Hoyt, Henry Marlan and Gelsan Osgood, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Lawrence and St. Joseph Plank Road Company; and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Lawrence and St. Joseph Plank Road Company, with corporate succession.

Sec. 2. Said company hereby created shall have the power to lay ^{Roads.} out, establish and construct a plank road, and all necessary buildings, from such point in the township of Lawrence in the county of Van Buren, as the commissioners may determine, to St. Joseph in the township of St. Joseph in the county of Berrien.

Sec. 3. The capital stock of said company shall be fifty thousand ^{Capital.} dollars, in two thousand shares of twenty-five dollars each; and certificates of subscription to stock in said company shall be issued upon the payment of one dollar upon each share, under the direction of a majority of the commissioners.

Sec. 4. Any person suffering damage from the insufficiency, mis- ^{Damages--} management or bad condition of said road, may recover the same ^{how recov-} before any justice of the peace, or other court having competent jurisdiction.

Sec. 5. Said company shall construct and open for use at least ^{Duty of} one-tenth of said road in each succeeding year from the time of its ^{company.} commencement; and whenever said company shall fail to extend the road as above required, it shall be lawful for any other person or persons to subscribe the stock for such extension, and it shall be the duty of said company to open books and receive subscriptions therefor; and whenever a sufficient amount for such extension shall be subscribed and paid in, or secured to be paid in, it shall be the duty of said company promptly to construct such extension of said road. The subscribers to the stock for such extension shall be deem- ^{Stockhold-} ed to be stockholders in the stock of the whole road from the date of ^{ers.} the payment of their stock.

Sec. 6. This act shall be and remain in force for the term of sixty ^{Duration of} years from and after its passage; but the Legislature may at any ^{charter.} time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it be made to appear to the Legislature that there has been a violation by the company of some of the provisions of this act: *Provi-* ^{Proviso.} *ded,* That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided,* ^{Proviso.} There be no violation of the charter of said company.

Subject to general laws **Sec. 7.** The said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are made a part of this act.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved March 25, 1850.

[No. 153.]

AN ACT to lay out, establish and improve a State road from Hastings in the county of Barry, to Ionia in the county of Ionia.

Special commissioners appointed. **Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That J. W. T. Orr of Barry county, and John B. Welch and George Richmond of Ionia county, are hereby appointed commissioners to lay out and establish a state road from the village of Hastings, via Tupper's Mill, to the village of Ionia.

Appropriation. **Sec. 2.** For the purpose of improving said road there is hereby appropriated all the non-resident highway taxes of the year 1849, and the next four years thereafter, one mile each way from the centre of said road.

Commissioners' duties, &c. **Sec. 3.** For the purpose of carrying into effect the provisions of this act, the above named J. W. T. Orr of Barry county, and John B. Welch and George Richmond of Ionia county, are hereby appointed special commissioners in their respective counties, who shall be governed by the same laws, as far as the same may be applicable, in expending all moneys that may be subject to their control by provisions of this act, as are now or may hereafter be in operation for the government of township highway commissioners.

Commissioners to take oath & file bond. **Sec. 4.** It shall be the duty of said special commissioners, before entering upon the duties of their office, to take and subscribe an oath to faithfully perform the duties herein assigned them, and file the same in the office of the county clerks of their respective counties, and deliver to the county treasurers of said counties a bond in the penal sum of one thousand dollars, with two good and sufficient sureties, to be by him approved, conditioned for the faithful performance of all the duties imposed upon them by virtue of this act; and in default thereof, it shall be the duty of said county treasurers to prepa-

into the same in the same manner as bonds are prosecuted against county officers.

Sec. 5. It shall be the duty of said special commissioners, on or before the first day of May next, to make out a list of all non-resident lands coming under the provisions of this act, and deliver the same to the county treasurers of said counties, who shall thereupon open an account with said commissioners, and credit to said commissioners all moneys then in their hands, or which may hereafter be paid into their offices as non-resident highway taxes upon any of the lands described in said list, and charge said commissioners all moneys which may be drawn by them.

To open account with Co. treasurer.

Sec. 6. It shall be the duty of said special commissioners, in payment for any labor performed or materials furnished in the improvement of said road, to issue their certificates to any persons who may be entitled to the same, certifying the facts in the case as they exist, and draw thereon (for the amount due such person or persons) upon the state road fund; and it shall be the duty of said county treasurers to pay the same out of any moneys to the credit of said fund, and charge the same as provided in section four of this act.

To issue certificates.

Duty of Co. treasurers.

Sec. 7. The above named commissioners shall be entitled to receive as compensation for any services rendered in the discharge of any of the duties imposed on them by virtue of this act, a sum not exceeding one dollar per day for the time employed in carrying out its provisions; and their accounts for the same, verified by their oaths, shall be audited by the board of supervisors of their respective counties, and paid out of any moneys to the credit of said fund.

Compensation.

Audited by board of supervisors.

Sec. 8. The State shall not be liable for any expense incurred or damages sustained by reason of this act.

State not liable.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved March 25, 1850.

[No. 154.]

AN ACT for the relief of Ezra Billings.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Michigan, That the State Treasurer be and he is

hereby authorized and required to pay Ezra Billings, for services rendered and work done and performed on the Detroit and Grand River Turnpike, in the year A. D. eighteen hundred and forty-four, by order of John Mullett, then superintendent, the sum of one hundred and seven dollars, (\$107 00,) out of any money that has been appropriated and unexpended on said road.

Sec. 2. This act shall take effect from and after its passage.

Approved March 27, 1850.

[No. 155.]

AN ACT to incorporate the Detroit and Lake St. Clair Plank Road Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That James A. Van Dyke, Jonas H. Titus, Peter J. Desnoyer, George C. Bates and Andrew T. McReynolds, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Detroit and Lake St. Clair Plank Road Company; and the subscribers thereto, and such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Detroit and Lake St. Clair Plank Road Company, with corporate succession.

Route

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the city of Detroit in the county of Wayne, on the extension of Jefferson Avenue, or river road, so called, about nine miles, to the east line of the Hudson farm, so called, bordering on Lake St. Clair.

Capital

Sec. 3. The capital stock of said company shall be fifty thousand dollars, in one thousand shares of fifty dollars each; and they shall be subject to all general laws relative to plank roads, not inconsistent with this act.

Board of directors authorized to take possession.

Sec. 4. As soon as said company shall be duly organized, the board of directors thereof are hereby authorized to enter upon and take possession of so much of the said extension of Jefferson Ave-

ance, or river road, so called, commencing at the east line of the corporate limits of the city of Detroit, as lies between the said east line of the city of Detroit and the said east line of the Hudson farm, so called, and proceed to construct and maintain thereon a plank road: *Provided*, That during the construction of said plank road, the said Proviso. company shall in no wise prevent, or improperly obstruct the usual travel thereon: *And provided further*, That no toll gate shall be Proviso. erected at any point within one mile of the east line of the city of Detroit, or below Mount Elliott Cemetery, so called: *Provided further*, That the assent of the commissioners of highways, or a majority of them, of the townships through which said road passes, shall first be obtained.

Sec. 5. This act shall be and remain in force for the term of sixty Duration of charter. years from and after its passage; but the Legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years after the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly net profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided*, There shall be no violation of the charter of said company.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 28, 1850.

[No. 156.]

AN ACT to authorize the Trustees of the First Society of the Methodist Episcopal Church at Jackson to execute a mortgage upon certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the president and secretary of the official board of trustees of the First Society of the Methodist Episcopal Church at Jackson, in the county of Jackson, be and they are Mortgage on real estate authorized.

hereby authorized, under the direction and with the assent of a majority of the official board of trustees of said church, to make, execute and deliver to such person as said trustees may direct, a mortgage for any sum not exceeding fifteen hundred dollars, and interest until paid, upon the east half of lots numbered five (5) and six, (6,) in block number one (1) south of range number one (1) west, in the village of Jackson, according to a plat of said village made by Jonathan F. Stratton, surveyor, being in the county of Jackson, State of Michigan.

Mortgage—
when payable.

Sec. 2. Said mortgage shall be payable at such time or times as said board of trustees may determine, and shall be signed by the president and secretary of said board, and shall also have the approval of the said board of trustees endorsed thereon, signed by a majority of said board.

Valid lien.

Sec. 3. Said mortgage, when so executed, shall be a good and valid lien upon the interest of said society in the lands above described, and may be proceeded upon and foreclosed the same as in any other mortgages.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 28, 1860.

[No. 157.]

AN ACT to amend chapter fifty-eight of the revised statutes of 1846.

Sec. 3, chap.
28 amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section five of chapter fifty-eight of the revised statutes of 1846, be and the same is hereby amended by inserting after the word "assessor," in the third line, and before the word "who," in the same line, the following words: "who shall be residents of such district and."

Sec. 67 a-
amended.

Sec. 2. That the following be and is hereby added to section sixty-seven of said chapter: "Every school district office shall become vacant upon the incumbent ceasing to be a resident of the district for which he shall have been elected, or upon the happening of either of the events specified in section three of chapter fifteen of the revised statutes of 1846."

Sec. 3. That section seventy-nine of said chapter be repealed, and that a new section be and is hereby inserted in place thereof, to stand as section seventy-nine, to read as follows: "Between the first and fifteenth days of October in each year, the inspectors shall make out and deliver to the township clerk, duplicate reports to the county clerk, setting forth the whole number of districts in their townships, the amount of money raised and received for the township library, together with the several particulars set forth in the reports of the school directors for the preceding year."

Sec. 79 repealed.

New sec. enacted.

Sec. 4. That section eighty be amended by striking out the word "report," in the last line of said section, and inserting the word "reports."

Sec. 80 amended.

Sec. 5. That section eighty-one of said chapter be and the same is hereby amended by striking out all of said section after the word "necessary," in the seventh line as printed, and inserting in the place thereof the following words, viz: "The director of such district shall make his annual report to the clerk of the township in which the school house is situated."

Sec. 81 amended.

Sec. 6. That section one hundred and twelve be repealed, and that a new section be and the same is hereby inserted in place thereof, to stand as section one hundred and twelve, to read as follows: "The clerk of each county shall, immediately after receiving the annual reports of the several boards of school inspectors, transmit to the Superintendent of Public Instruction one of the duplicate reports of each of the said several boards, and the other he shall file in his office; and on receiving notice from the Superintendent of the amount of moneys apportioned to the several townships in his county, he shall file the same in his office, and forthwith deliver a copy thereof to the county treasurer."

Sec. 112 repealed.

New sec. enacted.

Sec. 7. That section one hundred and thirteen and one hundred and twenty-one of said chapter be and the same are hereby repealed.

Secs. 113 & 121 repealed.

Sec. 8. That section one hundred and thirty-four be and the same is hereby amended by striking out the word "make," in the first line as printed, and inserting in the place thereof the word "transmit."

Sec. 134 amended.

Sec. 9. That the following words be and the same are hereby

Sec. 137 amended.

added at the end of section one hundred and thirty-seven of said chapter, to stand as part of said section, to wit: "*Provided, That a majority of the qualified voters attending at any regular meeting in the district in which such person resides, shall have determined that no school shall be taught in said district for the year: Or provided further, That such person shall not reside in any organized school district,*"

Approved March 28, 1850.

[No. 158.]

AN ACT authorizing the Trustees of the Marshall Cemetery Company to convey their real and personal estate to the common council of the village of Marshall, and to repeal the act entitled an act to incorporate the Marshall Cemetery Company.

Authorized
to convey
certain real
estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the board of trustees for the time being of the Marshall Cemetery Company, in the county of Calhoun, be and they are hereby authorized and empowered, with the consent in writing of a majority of the share holders of said company, to grant and convey, by good and sufficient deed, to the common council of the village of Marshall in said county of Calhoun, and their successors, for cemetery purposes, all the right, title and interest which the said board of trustees, or either of them, have in and to the lands on which is located the cemetery of the said Marshall Cemetery Company, together with all and singular the personal property of the said company, to have and to hold the same to the said common council and their successors, for the uses and purposes in said deed specified, and for no other purpose whatsoever.

Attached to
Marshall

Com. coun-
cil to exer-
cise autho-
rity.

Sec. 2. On the execution of the deed aforesaid, the lands described in the original deed or deeds of conveyance to the trustees of said cemetery, shall be attached to and become a part of the said village of Marshall, and be embraced in the second ward thereof; and thereafter the common council of the said village of Marshall shall have full power and authority to grant and convey for the uses and purposes aforesaid, any of the lots of land in said cemetery not already sold; to make, ordain and establish by-laws for improving, ornamenting and protecting the said cemetery grounds, and to appoint

the officers and agents necessary to attend to and take care of the same.

Sec. 3. All conveyances of such lots by said common council may be made by deed, signed and acknowledged by the recorder of said village. Conveyances.

Sec. 4. The plat of said cemetery ground, now of record in said county of Calhoun, shall be descriptive of the lots and alleys thereof, and the same shall remain unalterable by said common council. Plat.

Sec. 5. The moneys arising from the sale of lots in said cemetery, shall be set apart by said common council for improving and ornamenting said cemetery grounds and defraying the necessary expenses of keeping the same in order. Proceeds set apart for improving grounds.

Sec. 6. On the execution of the deed by said trustees, the books, papers and records of said Marshall Cemetery Company shall be deposited and kept in the office of the recorder of said village of Marshall; and thereafter the act to incorporate the Marshall Cemetery Company shall be and the same is hereby repealed. Books, papers, &c., to be deposited in recorder's office. Repeal.

Approved March 28, 1850.

[No. 159.]

AN ACT to authorize the vacation of a certain street in the village of Kalamazoo.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the board of trustees of the village of Kalamazoo may, and they are hereby authorized, if in their opinion the public good requires it, to vacate Academy street from Rose street to Jail street, in said village of Kalamazoo; and the land now occupied by said Academy street shall, after such vacation, be attached to and become a part of the public square lying south of and adjoining said Academy street, unless the original proprietor or his legal representative shall object to such vacation in writing, and shall place such objection on record in the registry of deeds of the county of Kalamazoo, within sixty days from the time of the publication of this act in the State paper. Board of trustees may vacate. Unless objection be filed.

Sec. 2. Whenever the trustees of the said village of Kalamazoo shall vacate said Academy street as provided by the first section of Duty of trustees.

this act, they shall cause an ordinance declaring such vacation to be entered upon the records of said village and be recorded in the office of the register of deeds of Kalamazoo county.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 28, 1850.

[No. 160.]

AN ACT to incorporate Monroe Chapter number one of Royal Arch Masons of the city of Detroit.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Nathan B. Carpenter, David Thompson, William J. Ives, G. Mott Williams, M. P. Stewart, John Farrar and William M. Lister, with their associates and successors, be and they are hereby incorporated and declared a body politic and corporate, in deed and in law, by the name and style of Monroe Chapter number one of Royal Arch Masons of the city of Detroit.

Powers.

Sec. 2. Said Monroe chapter shall have succession, and shall be in law capable of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors shall have a common seal, and may change and alter the same at their pleasure; and that they and their successors, by the same name, shall be persons in law capable to purchase, take, receive, hold and enjoy to them and their successors, estates, real and personal: *Provided*, That the value of such real and personal estate shall not exceed the sum of twenty-five thousand dollars; and that they and their successors shall have full authority and power to give, grant, sell, lease, demise and dispose of the said real and personal estate, or part thereof, at their will and pleasure; and that they and their successors shall have power, from time to time, to make, constitute, ordain and establish such by-laws, ordinances and regulations as they shall judge proper, for fixing the times and places of the meetings of the said corporation, and for regulating all the affairs and business of the said corporation: *Provided*, Such by-laws and

Proviso.

Meetings.

Proviso.

regulations shall not be repugnant to the constitution and by-laws of the Grand Chapter, or the constitution and laws of the United States and of the State of Michigan.

Sec. 3. Said corporation shall have full power and authority, by its by-laws or otherwise, from time to time, to designate and elect from its members such officers of said corporation under such name and style as shall be in accordance with its constitution: *Provided*, Said corporation shall, within one year from the passage of this act, file with the county clerk of the county of Wayne, a copy of the Masonic charter, constitution and by-laws, together with the designation of such officers hereby authorized to be appointed; and after such designation said officers shall hold in succession, as provided for in said constitution and by-laws by such name of office.

Sec. 4. Said Monroe Chapter shall be subject to all the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, except as herein otherwise provided; and the Legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each House: *And provided*, The real estate which said corporation may hold, shall be only such as shall be necessary for the objects of said corporation.

Approved March 28, 1850.

[No. 161.]

AN ACT for the protection of sheep and other domestic animals, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That any person may kill any dog that he may see chasing, worrying, wounding or killing any sheep, lambs, swine, cattle or other domestic animal, out of the enclosure or immediate care of the owner or keeper, unless the same be done by the directions or permission of such owner or keeper, or any dog that may suddenly assault him while he is peaceably walking or riding anywhere out of the enclosure of the owner or keeper of such dog.

Sec. 2. If any dog shall have killed or assisted in killing, wounding or worrying any sheep, lamb, swine, cattle or other domestic an-

imal, or that shall assault or bite, or otherwise injure any person while traveling the highway, or out of the enclosure of the owner or keeper of such dog, such owner or keeper shall be liable to the owner of such property or person injured in double the amount of damages sustained, to be recovered in an action of trespass, or on the case, and it shall not be necessary in order to sustain an action, to prove that the owner or keeper knew that such dog was accustomed to do such damage or mischief; and upon the trial of any cause mentioned in this section, the plaintiff and defendant may be examined under oath, touching the matter at issue, and evidence may be given as in other cases; and if it shall appear to the satisfaction of the court by the evidence, that the defendant is justly liable for the damages complained of under the provisions of this act, the court shall render judgment against such defendant for double the amount of damages proved, and costs of suit; but in no case shall the plaintiff recover more than five dollars costs.

Trial; defendant may be examined

Damages & costs.

Owner shall cause dog to be killed.

Penalty for neglect.

Duties of supervisor.

Sec. 3. The owner or keeper of any dog which has been chasing, worrying, wounding or killing any sheep, lamb, swine or cattle, (not the property of such owner or keeper,) out of his enclosure, or which has assaulted or bitten any person while peaceably walking or riding out of the enclosure of the owner or keeper, shall, within forty-eight hours after having received notice thereof in writing, cause such dog to be killed: For every neglect so to do, he shall forfeit the sum of three dollars, and the further sum of one dollar and fifty cents for every forty-eight hours thereafter until such dog shall be killed, unless it shall satisfactorily appear to the court before which a suit shall be brought for the recovery of the said penalty, that it was not in the power of such owner or keeper to kill such dog. But no recovery shall be had unless it shall satisfactorily appear that such dog has done the mischief of which such owner or keeper has had notice as aforesaid.

Sec. 4. Whenever a citizen of any township where the trespass has been committed, shall make a complaint in writing, verified by his oath or other testimony, to the satisfaction of the supervisor thereof, that a penalty imposed by the provisions of this act has been incurred, he shall commence a suit for the recovery thereof in his name of office, and prosecute the same with due diligence; and the moneys

recovered shall be by him paid into the township treasury, to be applied towards the incidental expenses of the township.

Sec. 5. That sections eight and nine of chapter forty-nine of the revised statutes of 1846, are hereby repealed: *Provided*, Such repeal shall not affect any action pending.

Money paid into township treasury.
Sec. 8 & 9, chap. 49, R. S., 1846, repealed.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 28, 1850.

[No. 162.]

AN ACT to provide for the trial of civil causes in the Circuit Court by Jury.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the provisions of chapter one hundred and three of the revised statutes of the year eighteen hundred and forty-six, shall be applicable to the returning, drawing, summoning and empannelling petit jurors for the trial of all civil causes that are now pending or may be commenced in the several circuit courts of this State, with all the provisions relating thereto.

Petit jurors; how drawn, &c.

Sec. 2. All of that part of section eighty-five of an act entitled "an act to consolidate the laws in relation to county courts, and for other purposes," approved April second, eighteen hundred and forty-nine, from and including the word "hereafter," in the twelfth line of said section, to and including the word "mentioned," in the fourteenth line of said section as printed, is hereby repealed.

Sec. 85 of act No. 219 of 1849, amended.

Sec. 3. The justices of the supreme court are hereby authorized and empowered to pronounce judgment against and pass sentence upon all persons convicted or that may hereafter be convicted in any court held by said justices, or either of them, for any offence committed or that may hereafter be committed against the laws of this State: *Provided*, That such sentence shall in no case or respect be greater or less than the penalty now or that may be prescribed hereafter by law.

Justices of S. P. Court may pass sentence.

Provide

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 28, 1850.

[No. 163.]

AN ACT to incorporate the Clinton and Moorville Plank Road Company.

Incorporation.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Michigan, That Edwin Smith, Thadeus Clark, William Moors, Daniel Carpenter and David A. Woodward, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Clinton and Moorville Plank Road Company; and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Clinton and Moorville Plank Road Company, with corporate succession.

Route

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings and appurtenances, from the village of Clinton in the county of Lenawee, to the village of Moorville in the county of Washtenaw, with the right of uniting said road at any other point with the plank road of any other company.

Capital

Sec. 3. The capital stock of said company shall be twenty thousand dollars, to be divided into eight hundred shares of twenty-five dollars each; and said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are made a part of this act.

General provisions.

Duration of charter.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of law to which it is subject: *Provided,* That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock.

Provided

invested: *Provided*, There be no violation of the charter of said company.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 28, 1850.

[No. 164.]

AN ACT to vacate certain alleys in the village of Albion.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the alleys in block seventy-six, block fifty-nine and block twenty, in the village of Albion in the county of Calhoun, be and the same are hereby vacated: *Provided*, The owners of the lands adjoining said alleys shall first give their consent in writing to such vacation, and cause such assent to be recorded in the office of the register of deeds for the county of Calhoun.

Sec. 2. This act shall take effect from and after its passage.

Approved March 28, 1850.

[No. 165.]

AN ACT to amend section twenty-four, chapter eighty-four of title twenty of the revised statutes of eighteen hundred and forty-six.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section twenty-four, chapter eighty-four of title twenty of the revised statutes of eighteen hundred and forty-six, be amended by inserting in the third line of said section as printed, after the word "husband," "or for the misconduct or habitual drunkenness of the husband."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1850.

[No. 166.]

AN ACT to provide for procuring a block of Michigan Native Copper for the Washington National Monument.

Appropriation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That out of any moneys in the treasury a sum not exceeding one thousand dollars be appropriated and placed at the disposal of the Governor, to be by him expended in procuring a block of native copper from the mines of this State, of suitable dimensions and shape,—with an inscription thereon as follows, viz: “From Michigan, an emblem of her trust in the Union,”—for the Washington National Monument, and of having the same transported to the city of Washington and presented to the Washington National Monument Society.

Duty of Governor.

Sec. 2. It shall be the duty of the Governor to make a contract with some proper person or persons for the purpose of carrying out the object in the first section mentioned as soon as practicable.

Appropriation; how paid.

Sec. 3. Upon presentation at the treasury of the Governor's order, or certificate drawn against the appropriation in the first section mentioned, the State Treasurer shall pay the same out of any moneys in the treasury to the credit of the general fund.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 28, 1850.

[No. 167.]

AN ACT relative to purchasing Maps for State Offices and State Library.

Duty of Sec. of State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Secretary of State be, and he is hereby authorized to purchase for the Senate Chamber and the Hall of the House of Representatives and the State offices and State library, five copies of John Farmer's map of the State of Michigan, not exceeding the sum of six dollars for each copy; and the State Treasurer is hereby authorized to pay a sum not exceeding thirty dollars therefor out of any money in the general fund not otherwise appropriated.

Duty of State Treasurer.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1850.

[No. 168.]

AN ACT to amend chapter twenty of the revised statutes of 1846.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section thirty-four of chapter twenty of the revised statutes of 1846, shall be amended by adding thereto the following, to wit: "Before the supervisor shall deliver such assessment roll and tax list to the township treasurer, he shall carefully foot up the several taxes therein levied, and shall give to the township clerk of his township a statement thereof; and such township clerk shall immediately charge the amount of such taxes to the township treasurer." Section forty-seven of said chapter twenty shall be amended by adding thereto the following: "The county treasurer shall give to the township treasurer a receipt stating the amount of taxes returned by such township treasurer unpaid, and for which the township shall receive a credit on the books of the county treasurer, and shall also give such township treasurer a statement of all taxes rejected by such county treasurer out of such list; which receipt and statement shall be the vouchers of such township treasurer for the amounts therein specified." There shall be added to said chapter twenty the following new section, to stand as section one hundred and thirty: "Sec. 130. Whenever any county treasurer shall pay to any township treasurer any moneys on account of taxes returned from such township, it shall be the duty of such county treasurer immediately to notify the clerk of the proper township of the amount so paid to such township treasurer." Sec. 34 amended.
Sec. 47 amended.
New sect'n.

Sec. 2. The Auditor General shall, immediately after the passage and approval of this act, cause the same to be printed in the State Journal. Duty of Aud. Gen'l.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 28, 1850.

[No. 169.]

AN ACT for the relief of Alfred Ashley.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section two of an act to authorize Alfred Ashley, his heirs or assigns, to construct a plank road across those parts of sections two and eleven, in township three north of range number fourteen east, known as salt spring lands belonging to the State, be and the same is hereby amended by striking out of the thirteenth line thereof as printed, the words "one year," and inserting in lieu of the same, the words "two years."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1850.

[No. 170.]

AN ACT to authorize Levi C. Matthews, Samuel S. Riley and William R. Eck to erect a dam across the St. Joseph River, on section one, in township six south of range nine west, in the county of St. Joseph.

Authority
given.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall be lawful for Levi C. Matthews, Samuel S. Riley and William R. Eck, their heirs and assigns, and they are hereby authorized, to erect and maintain a dam, not exceeding five feet in height above common low water mark, across the St. Joseph river, on section one in township six south of range nine west, in the county of St. Joseph: *Provided*, That a convenient lock or apron therein or therewith be constructed and kept in repair for the passage of boats, arks, rafts, and all other water crafts navigating the said river, free from toll or charges.

Proviso.

Liability for
injuring
dam.

Sec. 2. Any person who shall destroy or otherwise injure said dam, shall be deemed to have committed a trespass on the owners thereof, and shall be liable accordingly; but nothing in this act contained shall be construed to effect the rights of individuals who may be injured by reason of the erection and continuing of said dam.

Repeal.

Sec. 3. The Legislature of this State may at any time hereafter alter, amend or repeal this act.

LAWS OF MICHIGAN.

163

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 28, 1850.

[No. 171.]

AN ACT in relation to moneys received for Licenses in the County of Monroe.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all moneys paid for licenses by tavern keepers or retailers of spirituous liquors in the county of Monroe, pursuant to the provisions of chapter forty-one of the revised statutes of eighteen hundred and forty-six, or any other act in relation to taverns or other licensed houses, shall be paid to the city or township treasurer, and shall be expended in the city or township where said licenses are granted, for defraying any proper charges and expenses arising in said city or township, and shall be subject to the order of the city council, village trustees or township board for said purposes.

Money to be paid into city or township treasury.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1850.

[No. 172.]

AN ACT for the improvement of the State road from the village of Flint to Lansing, laid out under the provisions of section three of an act entitled an act to provide for laying out and establishing certain State roads, approved April 1, 1848.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That for the purpose of improving so much of said road as lies within the townships of Woodhull, Bath and Meridian, there is hereby appropriated all the non-resident highway taxes for the distance of two miles from the centre of that portion of said road so to be improved, on both sides of said road; and in case any part of any regular sub-division of land shall be within the said two miles, this appropriation shall include the whole of such sub-division.

Appropriation of highway taxes.

Sec. 2. For the purpose of carrying into effect the provisions of

Commissioner;
his duties.

this act, Jesse Burk, of Bath, is hereby appointed a special commissioner, who shall be governed by the same laws, as far as the same may be applicable, in expending all moneys that may be subject to his control by the provisions of this act, as was in operation on the first of January in the year eighteen hundred and fifty, for the government of township highway commissioners.

Commissioner
to file oath
and bond.

Sec. 3. Before the said special commissioner shall enter upon the duties of his office, he shall take and subscribe an oath to faithfully perform the duties herein assigned him, and file the same in the office of the county clerk of his county, and deliver to the county treasurer a bond in the penal sum of one thousand dollars, with two sureties to be approved by said treasurer, conditioned for the faithful performance of all the duties required of him by virtue of this act; and in default thereof, it is hereby made the duty of said treasurer to prosecute the same in the same manner as bonds are required to be prosecuted against county officers.

List of
lands filed
with county
treasurer, &
his duties.

Sec. 4. It shall be the duty of said commissioner, on or before the first day of May next, to make a list of all the non-resident lands that come under the provisions of this act, and deliver said list to the county treasurer; and said treasurer shall open an account with said road fund, and credit to said fund all moneys then in his hands, or which may hereafter be paid to him on account of highway taxes on any of the lands properly described on said list, and charge said moneys that may be drawn by said special commissioner to said road fund.

Money; how
drawn.

Sec. 5. No money shall be drawn from the treasury by virtue of this act without an order from the special commissioner, stating that the person in whose favor the order is drawn has actually done the labor or furnished materials to the full amount of said order.

Pay of com-
missioner.

Sec. 6. The said special commissioner shall be entitled to receive one dollar for every day he may be necessarily employed in the performing of the duties required of him by this act, to be paid by the county treasurer out of any money belonging to said road fund, on the warrant of the township board of the township of Bath, who is hereby authorized and required to audit his account the same as the accounts of township officers, and to draw a warrant on the county treasurer for what may be due him under the provisions of this act.

Sec. 7. This act shall take effect and be in force from and after its passage, and be in force for the term of five years, unless sooner repealed. Act in force for 5 years.

Approved March 28, 1850.

[No. 173.]

AN ACT to change the name of Celestia Rebecca Richards.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the name of Celestia Rebecca Richards, of Seneca in the county of Lenawee, shall be and the same is hereby changed to Celestia Rebecca Coomer.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1850.

[No. 174.]

AN ACT to vacate certain streets in the village of Hastings.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the township board and the commissioners of highways of the township of Hastings, be and they are hereby authorized to vacate such streets in said village as shall be designated and determined upon by the owners of lots in said village, or a majority of them: *Provided*, Said boards shall be satisfied that the vacation of the said streets will not be to the injury of any person or persons owning property in said village of Hastings.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 23, 1850.

[No. 175.]

AN ACT supplemental to an act entitled an act to authorize the board of supervisors of the county of Hillsdale to loan money for the purpose of building a court house with county offices, approved February twenty-eighth, eighteen hundred and fifty.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the board of supervisors of the county Proposed to be advertised.

- of Hillsdale, or any committee now or which may be hereafter appointed by the said board to superintend the building of the court house in said county, contemplated by the act to which this act is supplementary, entitled "an act to authorize the board of supervisors of the county of Hillsdale to loan money for the purpose of building a court house with county offices," approved February twenty-eighth, eighteen hundred and fifty, are hereby required to first advertise for proposals to furnish materials and perform the work necessary in the erection and completion of said court house, at least two successive weeks in the newspapers published in said county, (before they shall purchase any materials or get any such work performed,) and to let the furnishing such materials and performing such work by contract to the lowest bidder or bidders therefor that shall give good and sufficient security for the performance of a contract to furnish materials or perform such work: *Provided*, The said board of supervisors or such committee shall be authorized to advertise for and receive proposals for furnishing materials or performing such work in such parcels and classes as they may think proper; but this section shall not be construed as to effect any contracts for the purchase of materials for said court house, which may have been entered into before the passage of this act, by the said board of supervisors, or any building committee by them appointed.
- Contract.**
Proviso
- Present contracts not to be affected.**
- Limitation of tax.**
- Sec. 2. The board of supervisors of said county of Hillsdale shall not have authority to borrow money, issue orders, bonds, or raise by tax money for the purpose of building said court house, or to pay any indebtedness incurred in building the same, either upon a vote of the people of said county or otherwise, so that the whole amount of bonds, orders or taxes raised for such purpose, shall in the aggregate exceed the sum of six thousand five hundred dollars.
- Duty of supervisors in relation to bonds.**
- Sec. 3. The said board of supervisors, or any such committee by them appointed as aforesaid, are hereby prohibited from paying out, or selling, or otherwise disposing of any bonds or orders issued by them in building said court house, at less than their par value.
- Repeal.**
- Sec. 4. All acts and parts of acts conflicting with the provisions of this act, are hereby so modified as to conform to the provisions of this act, so far as applicable to the county of Hillsdale.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 28, 1850.

[No. 176.]

AN ACT to re-annex a portion of the township of Allendale to the township of Holland in the county of Ottawa.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That township number five north of range number fourteen west, in the county of Ottawa, be and the same is hereby re-annexed to the township of Holland in said county. Re-annexation.

Sec. 2. That so much of section fifteen of act number eighty-four of the session laws of eighteen hundred and forty-nine, as relates to making and constituting township number five north of range number fourteen west, a part of the township of Allendale in the county of Ottawa, be and the same is hereby repealed. Sec. 15 of act No. 84 of 1849, repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 28, 1850.

[No. 177.]

AN ACT to organize certain townships, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That township four north of range fourteen west, be and the same is hereby set off from the township of Monterey and attached to the township of Fillmore, in the county of Allegan. Part of Monterey attached to Fillmore.

Sec. 2. That sections thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six of the township of Ridgeway, be and the same are hereby taken from the said township of Ridgeway and attached to the township of Blissfield, in the county of Lenawee. Part of Ridgeway attached to Blissfield.

Sec. 3. That township number fifty north of range number thirty-eight west, in the county of Ontonagon, be and the same is hereby set off from the township of Ontonagon and organized into a separate township, by the name of Minesota; and that the first township meeting Minesota organized.

therein shall be held at the house now occupied by S. O. Kaapp, and that the first township meeting for the election of township officers in the aforesaid township, shall be held on the first Tuesday of July next ensuing, at the place designated.

Rush organized.

Sec. 4. That township eight north of range two east, in the county of Shiawassee, be and the same is hereby set off from town seven (7) north of range two (2) east, in said county, and organized into a separate township, by the name of Rush; and the first township meeting therein shall be held at the house now occupied by Henry Rush in said township.

Lynn organized.

Sec. 5. That all that part of the township of Berlin in the county of St. Clair, comprised in townships number seven (7) and eight (8) north of range thirteen (13) east, be and the same is hereby set off from the township of Berlin and organized into a separate township, by the name of Lynn; and the first township meeting shall be held at the dwelling house now occupied by John Whalin in said township.

Fair Plain organized.

Sec. 6. That township number nine (9) north of range number seven (7) west, and township number ten (10) north of range number seven (7) west, be and the same are hereby set off from the township of Montcalm and organized into a separate township, by the name of Fair Plain; and the first township meeting therein shall be held at the school house near Roswell Dudley's, in township nine (9) north of range number seven (7) west.

Amboy organized.

Sec. 7. That so much of the townships of Woodbridge and Bird, in the county of Hillsdale, lying in townships nine (9) south of range two and three west, and the south tier of sections of townships eight south of range two and three west, be and the same are hereby set off from the said townships of Woodbridge and Bird, and organized into a separate township, by the name of Amboy; and the first township meeting therein shall be held at the house now occupied by Amos S. Drakes in said township.

Beena Vista organized.

Sec. 8. That township number twelve north of range six (6) east, and the fractional part of township number twelve (12) north of range number five (5) east, being all that lies east of the Saginaw river, and also that part of township number twelve (12) north of range four (4) east, that lies south and east of Saginaw river in

the county of Saginaw, be and the same are hereby set off from the township of Saginaw, and organized into a separate township, by the name of Buena Vista; and the first township meeting therein shall be held at the house now occupied by Curtis Emerson, in said township.

Sec. 9. All acts and parts of acts contravening the provisions of section nine of this act be and the same is hereby repealed. Repeal.

Sec. 10. That all that part of town seven (7) north of range six-
teen (16) west, in the county of Ottawa, lying on the north side of
Grand River, be and the same is hereby attached to the town of
Spring Lake. Part of town
7 N., R. 16
W., attach-
ed to Spring
Lake.

Sec. 11. That all that portion of the county of Oceana, not em-
braced within the limits of the township of White River in said
county, and all of the county of Mason, be and the same is hereby
attached to the township of White River. Mason and
part of
Oceana at-
tached to
White River

Sec. 12. That town ten (10) north of range thirteen (13) west, in
the county of Ottawa, be and the same is hereby attached to the
township of Chester. T. 10, R. 13,
attached to
Chester.

Sec. 13. That town ten (10) north of range fourteen (14) west in
the county of Ottawa, be and the same is hereby attached to the
township of Ravenna in said county. T. 10, R. 14,
attached to
Ravenna.

Sec. 14. That fractional township forty-one north of range three
and four east, and fractional township forty-two north of range three
east, and fractional township four north of range three and four east,
be and the same are hereby attached for township purposes to frac-
tional township forty-two north of range four east; and that the ter-
ritory so described be and the same is hereby set off from the town-
ship of St. Mary in the county of Chippewa, and organized into a
separate township, to be known and designated as the township of
Warner; and that the first township meeting therein shall be held at
the house of Ebenezer Warner, in the territory above described, on
the first Monday of June, 1850. Warner or-
ganized.

Sec. 15. That all that part of township St. Mary, in the county
of Chippewa, known as Sugar Island, be and the same is hereby
set off and organized into a separate township, to be known and des-
ignated as the township of Sugar Island; and that the first township
meeting therein shall be held at the house of P. S. Church, in said
township, on the first Monday in June, 1850. Sugar Island
organized.

[No. 163.]

AN ACT to incorporate the Clinton and Moorville Plank Road Company.

Incorporation.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Michigan, That Edwin Smith, Thadens Clark, William Moore, Daniel Carpenter and David A. Woodward, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Clinton and Moorville Plank Road Company; and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Clinton and Moorville Plank Road Company, with corporate succession.

Route.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings and appurtenances, from the village of Clinton in the county of Lenawee, to the village of Moorville in the county of Washtenaw, with the right of uniting said road at any other point with the plank road of any other company.

Capital.

Sec. 3. The capital stock of said company shall be twenty thousand dollars, to be divided into eight hundred shares of twenty-five dollars each; and said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are made a part of this act.

General provisions.

Duration of charter.

*Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of law to which it is subject: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock.*

Proviso

invested: *Provided*, There be no violation of the charter of said company.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 28, 1850.

[No. 144.]

AN ACT to vacate certain alleys in the village of Albion.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the alleys in block seventy-six, block fifty-nine and block twenty, in the village of Albion in the county of Calhoun, be and the same are hereby vacated: *Provided*, The owners of the lands adjoining said alleys shall first give their consent in writing to such vacation, and cause such assent to be recorded in the office of the register of deeds for the county of Calhoun.

Sec. 2. This act shall take effect from and after its passage.

Approved March 28, 1850.

[No. 145.]

AN ACT to amend section twenty-four, chapter eighty-four of title twenty of the revised statutes of eighteen hundred and forty-six.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section twenty-four, chapter eighty-four of title twenty of the revised statutes of eighteen hundred and forty-six, be amended by inserting in the third line of said section as printed, after the word "husband," "or for the misconduct or habitual drunkenness of the husband."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1850.

LAWS OF MICHIGAN.

[No. 166.]

AN ACT to provide for procuring a block of Michigan Native Copper for the Washington National Monument.

Appropriation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That out of any moneys in the treasury a sum not exceeding one thousand dollars be appropriated and placed at the disposal of the Governor, to be by him expended in procuring a block of native copper from the mines of this State, of suitable dimensions and shape,—with an inscription thereon as follows, viz: "From Michigan, an emblem of her trust in the Union,"—for the Washington National Monument, and of having the same transported to the city of Washington and presented to the Washington National Monument Society.

Duty of Governor.

Sec. 2. It shall be the duty of the Governor to make a contract with some proper person or persons for the purpose of carrying out the object in the first section mentioned as soon as practicable.

Appropriation; how paid.

Sec. 3. Upon presentation at the treasury of the Governor's order, or certificate drawn against the appropriation in the first section mentioned, the State Treasurer shall pay the same out of any moneys in the treasury to the credit of the general fund.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 23, 1850.

[No. 167.]

AN ACT relative to purchasing Maps for State Offices and State Library.

Duty of Sec. of State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Secretary of State be, and he is hereby authorized to purchase for the Senate Chamber and the Hall of the House of Representatives and the State offices and State library, five copies of John Farmer's map of the State of Michigan, not exceeding the sum of six dollars for each copy; and the State Treasurer is hereby authorized to pay a sum not exceeding thirty dollars therefor out of any money in the general fund not otherwise appropriated.

Duty of State Treasurer.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1850.

[No. 168.]

AN ACT to amend chapter twenty of the revised statutes of 1846.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section thirty-four of chapter twenty of the revised statutes of 1846, shall be amended by adding thereto the following, to wit: "Before the supervisor shall deliver such assessment roll and tax list to the township treasurer, he shall carefully foot up the several taxes therein levied, and shall give to the township clerk of his township a statement thereof; and such township clerk shall immediately charge the amount of such taxes to the township treasurer." Section forty-seven of said chapter twenty shall be amended by adding thereto the following: "The county treasurer shall give to the township treasurer a receipt stating the amount of taxes returned by such township treasurer unpaid, and for which the township shall receive a credit on the books of the county treasurer, and shall also give such township treasurer a statement of all taxes rejected by such county treasurer out of such list; which receipt and statement shall be the vouchers of such township treasurer for the amounts therein specified." There shall be added to said chapter twenty the following new section, to stand as section one hundred and thirty: "Sec. 130. Whenever any county treasurer shall pay to any township treasurer any moneys on account of taxes returned from such township, it shall be the duty of such county treasurer immediately to notify the clerk of the proper township of the amount so paid to such township treasurer." Sec. 34 amended.
Sec. 47 amended.
New sect'n.

Sec. 2. The Auditor General shall, immediately after the passage and approval of this act, cause the same to be printed in the State Journal. Duty of Aud. Gen'l.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 28, 1850.

[No. 169.]

AN ACT for the relief of Alfred Ashley.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section two of an act to authorize Alfred Ashley, his heirs or assigns, to construct a plank road across those parts of sections two and eleven, in township three north of range number fourteen east, known as salt spring lands belonging to the State, be and the same is hereby amended by striking out of the thirteenth line thereof as printed, the words "one year," and inserting in lieu of the same, the words "two years."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1850.

[No. 170.]

AN ACT to authorize Levi C. Matthews, Samuel S. Riley and William R. Eck to erect a dam across the St. Joseph River, on section one, in township six south of range nine west, in the county of St. Joseph.

Authority
given.

Provido.

Liability for
injuring
dam.

Repeal.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall be lawful for Levi C. Matthews, Samuel S. Riley and William R. Eck, their heirs and assigns, and they are hereby authorized, to erect and maintain a dam, not exceeding five feet in height above common low water mark, across the St. Joseph river, on section one in township six south of range nine west, in the county of St. Joseph: *Provided*, That a convenient lock or apron therein or therewith be constructed and kept in repair for the passage of boats, arks, rafts, and all other water crafts navigating the said river, free from toll or charges.

Sec. 2. Any person who shall destroy or otherwise injure said dam, shall be deemed to have committed a trespass on the owners thereof, and shall be liable accordingly; but nothing in this act contained shall be construed to effect the rights of individuals who may be injured by reason of the erection and continuing of said dam.

Sec. 3. The Legislature of this State may at any time hereafter alter, amend or repeal this act.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 23, 1850.

[No. 171.]

AN ACT in relation to moneys received for Licenses in the County of Monroe.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all moneys paid for licenses by tavern keepers or retailers of spirituous liquors in the county of Monroe, pursuant to the provisions of chapter forty-one of the revised statutes of eighteen hundred and forty-six, or any other act in relation to taverns or other licensed houses, shall be paid to the city or township treasurer, and shall be expended in the city or township where said licenses are granted, for defraying any proper charges and expenses arising in said city or township, and shall be subject to the order of the city council, village trustees or township board for said purposes.

Money to be paid into city or township treasury.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 23, 1850.

[No. 172.]

AN ACT for the improvement of the State road from the village of Flint to Lansing, laid out under the provisions of section three of an act entitled an act to provide for laying out and establishing certain State roads, approved April 1, 1848.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That for the purpose of improving so much of said road as lies within the townships of Woodhull, Bath and Meridian, there is hereby appropriated all the non-resident highway taxes for the distance of two miles from the centre of that portion of said road so to be improved, on both sides of said road; and in case any part of any regular sub-division of land shall be within the said two miles, this appropriation shall include the whole of such sub-division.

Appropriation of highway taxes.

Sec. 2. For the purpose of carrying into effect the provisions of

Commissioner;
his duties.

this act, Jesse Burk, of Bath, is hereby appointed a special commissioner, who shall be governed by the same laws, as far as the same may be applicable, in expending all moneys that may be subject to his control by the provisions of this act, as was in operation on the first of January in the year eighteen hundred and fifty, for the government of township highway commissioners.

Commissioner
to file oath
and bond.

Sec. 3. Before the said special commissioner shall enter upon the duties of his office, he shall take and subscribe an oath to faithfully perform the duties herein assigned him, and file the same in the office of the county clerk of his county, and deliver to the county treasurer a bond in the penal sum of one thousand dollars, with two sureties to be approved by said treasurer, conditioned for the faithful performance of all the duties required of him by virtue of this act; and in default thereof, it is hereby made the duty of said treasurer to prosecute the same in the same manner as bonds are required to be prosecuted against county officers.

List of
lands filed
with county
treasurer, &
his duties.

Sec. 4. It shall be the duty of said commissioner, on or before the first day of May next, to make a list of all the non-resident lands that come under the provisions of this act, and deliver said list to the county treasurer; and said treasurer shall open an account with said road fund, and credit to said fund all moneys then in his hands, or which may hereafter be paid to him on account of highway taxes on any of the lands properly described on said list, and charge said moneys that may be drawn by said special commissioner to said road fund.

Money; how
drawn.

Sec. 5. No money shall be drawn from the treasury by virtue of this act without an order from the special commissioner, stating that the person in whose favor the order is drawn has actually done the labor or furnished materials to the full amount of said order.

Pay of com-
missioner.

Sec. 6. The said special commissioner shall be entitled to receive one dollar for every day he may be necessarily employed in the performing of the duties required of him by this act, to be paid by the county treasurer out of any money belonging to said road fund, on the warrant of the township board of the township of Bath, who is hereby authorized and required to audit his account the same as the accounts of township officers, and to draw a warrant on the county treasurer for what may be due him under the provisions of this act.

Sec. 7. This act shall take effect and be in force from and after its passage, and be in force for the term of five years, unless sooner repealed. Act in force for 5 years.

Approved March 28, 1850.

[No. 173.]

AN ACT to change the name of Celestia Rebecca Richards.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the name of Celestia Rebecca Richards, of Seneca in the county of Lenawee, shall be and the same is hereby changed to Celestia Rebecca Coomer.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1850.

[No. 174.]

AN ACT to vacate certain streets in the village of Hastings.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the township board and the commissioners of highways of the township of Hastings, be and they are hereby authorized to vacate such streets in said village as shall be designated and determined upon by the owners of lots in said village, or a majority of them: *Provided*, Said boards shall be satisfied that the vacation of the said streets will not be to the injury of any person or persons owning property in said village of Hastings.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 23, 1850.

[No. 175.]

AN ACT supplemental to an act entitled an act to authorize the board of supervisors of the county of Hillsdale to loan money for the purpose of building a court house with county offices, approved February twenty-eighth, eighteen hundred and fifty.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the board of supervisors of the county Proposals to be advertised.

ber has complied with all the regulations of the company, shall be necessary in order to entitle any person to the privileges granted by law to firemen.

Vacancies; how filled. Sec. 23. In case of the refusal or neglect to serve of any officer mentioned in section two, or of a vacancy by death, removal or otherwise, the common council shall have power to fill the vacancy for the unexpired time for which such officer was elected.

Publish by-laws and ordinances. Sec. 24. Before any by-laws and ordinances of said village shall take effect, they shall be published at least three weeks in a public newspaper printed in said village; and a printed copy so published under the authority of the common council, shall be admitted as prima facie evidence of the passage and publication thereof in all courts of this State.

Duties of marshal. Sec. 25. It shall be the duty of the marshal to collect all moneys which may be due for fines, penalties and forfeitures imposed or assessed by virtue of this act of incorporation, and of the by-laws and ordinances of the common council, and to pay the same to the treasurer, for the use of said village; and the treasurer shall pay the same only on the order of the recorder, countersigned by the president.

License moneys; how collected and paid over. Sec. 26. It shall be the duty of the marshal to collect all moneys which may be due for licenses granted in pursuance of section 11 of this act, and pay the same to the county treasurer as provided in section 26 of chapter 38 of the revised statutes; and in default of such payment as provided in said section 26, the said marshal shall be subject to the penalties prescribed therein.

Property exempt. Sec. 27. All property exempt from sale for State, county and township taxes, shall be exempt from sale under the provisions of this act.

Repeal. Sec. 28. All acts or parts of acts heretofore passed which are inconsistent with this act, so far as said village is concerned, are hereby repealed, so far as they affect said village; but such repeal shall not affect any act done, proceeding had, or any tax sale made, or any by-law or ordinance made; but the same shall be and remain as valid and effectual as if this act had not been passed.

Sec. 29. This act shall be deemed a public act, and shall take effect and be in force from and after its passage.

Approved March 28, 1850.

[No. 179.]

AN ACT to provide for opening a State Road from Marshall in the county of Calhoun, to Lansing in the county of Ingham.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That John D. Olcott, Amos Carrier and Caleb Hanchett, are hereby appointed commissioners, whose duty it shall be, within three months from the passage of this act, to open the State road from Marshal in the county of Calhoun, by way of Duck Lake and Eaton Rapids, to the capital of this State, laid out and established by David H. Miller, John D. Olcott and Henry A. Shaw, commissioners, appointed in pursuance of an act to provide for laying out and establishing certain State roads, approved April first, one thousand eight hundred and forty-eight, except so much of said road as varies from the route surveyed and laid out by commissioners appointed to lay out and open a State road from Marshall to Eaton Rapids, pursuant to the provisions of an act to lay out a certain State road from Marshall to Eaton Rapids, approved April third, one thousand eight hundred and forty-eight. And the said commissioners shall have power, and it shall be their duty, to open so much of said last mentioned route, between Marshall and Eaton Rapids, as was varied or changed by the commissioners appointed by the provisions of the last named act, approved April third, one thousand eight hundred and forty-eight.

Commissioners appointed: their powers and duties

Sec. 2. The said commissioners are hereby authorized and empowered to receive voluntary releases of the right of way for said road. And in cases when any person interested in lands through which said road has been laid, shall, for any cause, refuse to relinquish his claim for damages on account of the laying out and opening of said road, for the space of ten days after personal service of a copy of this act, the said commissioners, or a majority of them, may proceed to cause the damages to be appraised and determined in the same manner as commissioners of highways might do in similar cases; and thereupon the same proceedings shall be had in all respects as is provided by law in case of the laying out of a road by the highway commissioners of a township.

Right of way.

Sec. 3. Whenever, under the provisions of the preceding section, any damage shall be adjudged to an individual or individuals in any

Damages; how paid.

township through which said road has been laid, it shall be the duty of said commissioners to certify to the amount of damages so appraised and determined in each of said townships, respectively, and deliver a certified copy of the same to the supervisors of each township, who shall cause the payment of the damages awarded in any such appraisal, and the proper expenses thereof, to be levied and collected in the same manner as other township charges, and shall be paid by the township treasurer upon the order of the township board.

Acts of com-
missioners
valid.

Sec. 4. The acts of a majority of the commissioners appointed by the provisions of this act, and the acts of a majority of those appointed in pursuance of the acts named in the preceding sections, and approved April first, one thousand eight hundred and forty-eight, and April third, one thousand eight hundred and forty-eight, shall be valid: *Provided*, That nothing in this act shall be construed to make the state in any wise liable for any of the expenses or damages of laying out or constructing said road.

Sec. 5. This act shall take effect and be in force from and after its passage; and all portions of any law contravening any of the provisions of this act are hereby repealed.

Approved March 28, 1850.

[No. 180.]

AN ACT to amend an act to consolidate and amend the laws relative to the establishment of a State Normal School, approved March 25th, 1850.

Act amend-
ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That an act to consolidate and amend the laws relative to the establishment of a State Normal School, approved March twenty-fifth, eighteen hundred and fifty, be amended by striking out in section four of said act, the words "both branches of the Legislature," and by inserting in lieu thereof, the words, "the Senate and House of Representatives in joint convention."

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 29, 1850.

[No. 181.]

AN ACT to amend an act to incorporate the North-Western Health Insurance Company, approved March 30th, 1849.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That an act entitled an act to incorporate the North-Western Health Insurance Company, approved March 30th, 1849, be and the same is hereby amended so that the name and style of said corporation shall hereafter read and be, "North-Western Health, Life and Fire Insurance Company;" and in addition to the provisions in said act contained for the business of health insurance, all the powers, privileges and immunities are hereby granted to, conferred upon and vested in said corporation which shall from time to time become necessary to enable said corporation to commence and carry on the business of life or fire insurance respectively, in the usual and customary manner. And also, so that said corporation may be organized at any time within three years from and after the passage of the act to which this act is amendatory. That the word "hereinafter," in the twelfth and twenty-third lines of section eight of said act, be stricken out. and the word "hereinbefore" inserted.

Name changed.

Powers increased.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 29, 1850.

[No. 182.]

AN ACT to amend chapter fifty-six of the revised statutes of eighteen hundred and forty-six.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section seven of chapter fifty-six, be and the same is hereby amended by striking out the word "five," in the second line, and inserting in the place thereof the word "eight;" also by adding to said section seven, "which shall be in full for salary, office rent and office expenses."

Sec 7 amended.

Sec. 2. That a new section be added to said chapter, to stand as section nine, to read, as follows: "Sec. 9. The said superintendent shall make all necessary abstracts of the reports of the school in-

New section.

spectors transmitted to him by the various county clerks, and embody in his annual report to the Legislature such facts as are in his opinion necessary and useful, and as are required by law; and shall as soon as can conveniently be done after making the annual apportionment, transmit the notice thereof to the county clerks, as required by law.

New sect'n. Sec. 3. That a new section be added to said chapter, to stand as section ten, to read as follows: "Sec. 10. The said superintendent shall, at the expiration of his term of office, deliver over on demand to his successor, all property, books, documents, maps, records, reports, and other papers belonging to his office, or which may have been received by him for the use of his office."

When provisions to apply. Sec. 4. The provisions of this act shall apply to the official year ending April 19th, 1850.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 29, 1850.

[No. 183.]

AN ACT to organize the county of Midland.

Organizat'n Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the county of Midland shall become duly organized, and the inhabitants thereof entitled to all the rights, privileges and immunities to which by law the inhabitants of other counties of this state are entitled, from and after the thirty-first day of December, one thousand eight hundred and fifty.

Officers. Sec. 2. There shall be elected in the said county of Midland, on the first Tuesday of November in the year eighteen hundred and fifty, all the several county officers to which, by law, the said county is entitled, and said election shall in all respects be conducted and held in the manner prescribed by law for holding elections for county and state officers.

Suits; taxes. Sec. 3. All suits, prosecutions, and other matters now pending, or which shall be pending on the thirty-first day of December, eighteen hundred and fifty, before any court or before any justice of the peace of the county to which the said county of Midland is attached for

judicial purposes, shall be prosecuted to final judgment and execution; and all taxes heretofore levied, or which shall be levied in accordance with law, previous to the thirty-first day of December, eighteen hundred and fifty, shall be collected in the same manner as though this act had not passed.

Sec. 4. The board of canvassers in said county, under this act, Election. shall consist of two of the presiding inspectors of elections from each township therein; and said inspectors shall meet at the county seat at the time appointed by law for the county canvass, and immediately after the election authorized in the second section of this act, and organize by appointing one of their number chairman and another secretary of said board, and shall thereupon proceed to discharge all the duties of a board of county canvassers, as in ordinary cases of election for county and state officers.

Sec. 5. That the county seat of the said county of Midland shall be and is hereby fixed at the settlement at the forks of the Tittabawassee River in said county, until the year of eighteen hundred and sixty; and it shall be the duty of the sheriff of the said county, under the direction of the supervisors thereof, to provide a suitable place for holding courts in said county, at or near the county seat, until the public buildings shall be erected for that purpose. County seat
— duty of
sheriff.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 29, 1850.

[No. 184.]

AN ACT to incorporate the Ontonagon Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Luther W. Clark, Augustus Coburn and Josiah Chandler, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Ontonagon Plank Road Company; and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Ontonagon Plank Road Company, with corporate succession. Incorporation.

Route. Sec. 2. Said company hereby created shall have the power and authority to lay out, establish and construct a plank road, and all necessary buildings, from the Aztec or Adventure mine, or near the same, in the county of Ontonagon, to some point on the Ontonagon river in said county, or on the most eligible route to the southern shore of Lake Superior, in said county.

Capital. Sec. 3. The capital stock of said company shall be fifty thousand dollars, divided into two thousand shares of twenty-five dollars each.

Duration of charter. Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the Legislature may at any time amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not

Repeal. be made within thirty years of the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided*, There shall be no violation of the charter of said company.

General provisions Sec. 5. Said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are hereby made a part of this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 29, 1850.

[No. 185.]

AN ACT in relation to certain taxes in the southern part of the county of Gratiot.

Preamble. *Whereas*, In the years eighteen hundred and forty-seven and forty-eight, certain unorganized towns in the south part of Gratiot county, formerly attached to the county of Saginaw, were set off and attached to the northern tier of townships in the county of Clinton;

And Whereas, Certain taxes returned on lands lying in the un- ^{Preamble.}
organized towns above mentioned, returned by and credited to Sag-
inaw county, when said towns were attached to that county, have, un-
der existing laws, been charged back to Clinton county, having been
assessed upon land belonging to Indians and to the United States, or
lands held by the State as State tax lands;

And Whereas, The same not being re-assessable upon the lands ^{Ind.}
on which they were originally returned, they would become a charge
upon the townships to which they now belong, thus throwing a part
of the taxes of Saginaw county of former years upon certain town-
ships in the county of Clinton; therefore,

Section 1. *Be it enacted by the Senate and House of Representatives* ^{Duty of}
of the State of Michigan, That the Auditor General be and he is ^{Aud. Gen'l.}
hereby authorized and required to credit the county of Clinton with
all taxes heretofore charged to said county upon lands lying in the
south half of Gratiot county, which were returned from Saginaw
county, and have been charged back to Clinton county, on account
of the lands assessed having been Indian and United States lands,
or State tax lands, or for any other cause rendering the taxes not re-
assessable upon the same lands, and charge the same to the county
of Saginaw, from which they were returned.

Sec. 2. This act shall take effect from and after its passage.

Approved March 29, 1850.

[No. 186.]

AN ACT to incorporate the Battle Creek Mill Canal Company.

Section 1. *Be it enacted by the Senate and House of Representatives* ^{Incorporation}
of the State of Michigan, That Jonathan Hart, William Wallace, Da-
vid Cady, Philip H. Jewell, Abel Densmore, John Gardner, Henry
J. Cushman and Trowbridge Rockwell, and their associates and suc-
cessors, are hereby incorporated and declared to be a body corporate,
by the name of "The Battle Creek Mill Canal Company."

Sec. 2. Said corporation shall be capable in law of purchasing, ^{Powers.}
holding, leasing, or otherwise acquiring any estate, real or personal,
for the use of said corporation; but the value of such real estate
shall not exceed the sum of fifty thousand dollars, at the purchase

prices thereof, and shall be only such as shall be necessary for the objects of said company, as specified in section three of this act.

**Dam and
water power.**

Sec. 3. The object and business of said corporation is to maintain and keep up a dam across the Kalamazoo river in the township of Battle Creek, in the county of Calhoun, at some convenient point south of the village of Battle Creek, to conduct the waters of said river in a canal to said village, and to discharge the same into the said river or the Battle Creek, at such place or places as they shall deem most convenient, thereby to create a water power for propelling all kinds of machinery, and to supply and to secure to the persons incorporated, in the best and most efficient manner, the use and benefit of their respective rights and interest in such water power.

Directors.

Sec. 4. The business of said corporation shall be managed and transacted by and under the direction of five directors, who shall reside in said village of Battle Creek, and shall be owners in said water power.

Officers.

Sec. 5. The directors shall choose one of their number president of said corporation, and one other person to be clerk, and may appoint such other officers and agents as they may deem necessary for conducting the business of the corporation.

Members.

Sec. 6. All persons who are or who may hereafter become interested in said water power, by having purchased or by purchasing the right to use a certain amount of water to be taken from said mill canal, and by signing or by having signed the articles of association hereafter to be kept in the office of the clerk, shall become and be deemed members of the corporation, and shall be entitled to vote for directors in the following manner: The person owning the right of use of sufficient water to be taken from said canal to propel one run of mill stones of the diameter of four feet and eight inches, with the requisite machinery therefor, shall be entitled to two votes; the person owning the right to use one-half as much, shall be entitled to one vote; and the person owning the right to use twice as much, shall be entitled to four votes, and so on in the same proportion.

Directors.

Sec. 7. The first directors shall be Jonathan Hart, William Wallace, David Cady, Henry J. Cushman and Trowbridge Rockwell, who shall hold their offices until the first Monday of March in the year one thousand eight hundred and fifty-one, and until an elec-

Men of directors shall take place, which shall be on the first Monday Election.
of March annually, at such place as a majority of the directors shall
direct. Of the time and place of such election, three weeks previous Notice.
notice shall be given by the clerk, by publishing the same in a news-
paper published in said village of Battle Creek, if one be published
in said village; if not, then by publishing the same in some newspa-
per in said county of Calhoun, and posting up notices thereof in
three of the most public places in said village. And if any vacancy Vacancy.
shall happen among the directors, by death, resignation or otherwise,
such vacancy may be filled for the remainder of the year by such
person as the other directors or a majority of them shall appoint.

Sec. 8. The corporation hereby created shall have power to sue By-laws.
and be sued, to have a common seal, and to make regulations and
by-laws for its own government.

Sec. 9. The president and directors of said corporation shall Company
have power to lease out or sell any lands or tenements, water powers, may sell.
rights or privileges, belonging to said corporation, as they shall deem
most beneficial to the interest of the company; and out of the avails
thereof shall first pay for the building of the dam across said river,
and for all lands purchased for the use and benefit of said company,
and for improving said canal; and the remainder, if any, shall be
divided among the owners of said water power, in proportion to the
amount so owned by them.

Sec. 10. Said president and directors shall also have power to pre- Powers.
scribe and determine the size and character of said mill canal, and
the manner of connecting therewith the several fooms and raceways
so as to regulate and measure the flow of water to each according
to the rights and relative priority respectively, and to construct and
maintain all dams, bulkheads, wasteweirs and mill canals which may
be necessary to maintain and secure a supply of water; and for that
purpose, and for the purpose of raising all necessary funds, they may
make assessments upon the said several water powers, which said Assessments
assessments shall be a charge and lien upon the several water pow-
ers so assessed, and the owner or person in possession, and every
subsequent owner or possessor, shall be liable therefor in an action to
be prosecuted in any court of competent jurisdiction.

Sec. 11. A tenant in possession of any of said water power, for a term.
term of years, or for a year or less, or at will, who may pay such

assessment, may have the same applied on any rent in arrear or to accrue, or he may sue the owner and recover the same; but this shall not apply to a case where an agreement exists between the owner and tenant, by which the tenant is bound to pay such assessment.

Special election.

Sec. 12. If, through any cause, an election of directors should not take place on the first Monday of March, as herein provided, the corporate powers hereby created shall not thereby be dissolved and annulled, but the corporators, or a majority of them, may call a special election, and give notice thereof as herein provided, which shall not be more than six months after the time of the annual election; at which said special election directors may be chosen in the same manner as is herein provided for at the annual election.

General provisions.

Sec. 13. The corporation hereby created shall, in addition to the powers and privileges herein granted, possess the general powers and be subject to the general restrictions and liabilities prescribed in chapter fifty-five of the revised statutes of this State.

Damages

Sec. 14. Nothing in this act contained shall prejudice the right of any person or persons to bring any action for damages for diverting the waters of either the Kalamazoo river or Battle creek, or for flowing or otherwise injuring any land of any person or persons.

Sec. 15. This act may be altered, amended or repealed by a two-thirds vote.

Sec. 16. This act shall take effect and be in force from and after its passage.

Approved March 29, 1850.

[No. 187.]

AN ACT to amend the charter of the village of Pontiac.

Amendment

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section eight of an act entitled "an act to amend an act entitled 'an act [to] incorporate the village of Pontiac,'" approved 27th February, 1842, be amended by striking out all after the word "government," in the 2d line of said section, and inserting in lieu thereof, "except as otherwise provided for by this act."

Sec. 2. That act number 71, entitled "an act relative to the village of Pontiac," approved March 15, 1848, be and the same is hereby repealed; and all the provisions of act number 89, entitled "an act to amend an act entitled 'an act to incorporate the village of Pontiac,'" approved February 27th, 1842, be and the same are hereby revived and continued in force, Act 71 of '48 repealed, & act 89 of '42 revived.

Sec. 3. The common council of said village are hereby created a board of health, with the same powers and duties, and subject to all the provisions, that are conferred upon the supervisor and justices of the peace of the respective townships, as provided for by title 8, chapter 35 of the revised statutes of 1846. Board of health.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 29, 1850.

[No. 188.]

AN ACT to amend an act entitled an act to revive and continue in force an act entitled an act to incorporate the Peninsular Mutual Fire and Marine Insurance Company, approved March 12, 1844, under the name and style of the Detroit Fire and Marine Insurance Company, approved March 31, 1849.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That an act entitled "an act to revive and continue in force an act entitled 'an act to incorporate the Peninsular Mutual Fire and Marine Insurance Company,' approved March 12th, 1844, under the name and style of the Detroit Fire and Marine Insurance Company," approved March 31st, 1849, be amended by striking out of section seven the words "thirty days," and inserting in lieu thereof the words "two years." Act amended.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 29, 1850.

[No. 189.]

AN ACT to authorize Ambrose P. Young, guardian of the minor heirs of Joseph Tures, deceased, to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Ambrose P. Young, guardian of the Authority as well.

minor heirs of Joseph Tures, deceased, of the county of Wayne, be and he is hereby empowered and authorized to sell, at private sale, the real estate belonging to the estate of the said Joseph Tures, deceased, and on such sale to make all necessary conveyance to any purchaser or purchasers of the same; which conveyance, after being duly acknowledged, may be recorded in the register's office of the county where said lands are situated: *Provided*, The Judge of Probate of the county of Wayne shall approve the sale of said lands and endorse his approval of the sale on the deed conveying said land.

Proviso.

Shall execute bonds.

Sec. 2. Before the lands mentioned in the first section of this act shall be conveyed, the said Ambrose P. Young shall execute and deliver to the Judge of Probate of the county of Wayne, a bond, with at least two sufficient sureties, to be approved by the said Judge of Probate, conditioned that he will faithfully apply the proceeds of such sale to the payment of the just debts against the estate of the said deceased, and the balance, (if any there shall be,) for the support, maintenance and education of the minor children of the said Joseph Tures, deceased.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 29, 1850.

[No. 190.]

AN ACT to amend chapter seventy-two of the revised statutes of 1846.

Sec. 1 amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section one of chapter seventy-two of the revised statutes of 1846, be and it is hereby amended by striking out of the second line all after the word "by," and inserting the following words, viz: "the judge of any court of probate, such judge may, in his discretion, or upon the written application of the executor or administrator." Also, amend section fifty-nine by inserting between the words "omitted" and "no," in the second line, the following words, viz: "the judge of probate shall perform the duties devolving upon such commissioners by law."

Sec. 59 amended.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 29, 1860.

[No. 191.]

AN ACT to provide for paying certain expenses incurred and authorized by the Adjutant General in securing and repairing arms, ordnance and accouterments belonging to the State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the following sums be and they are hereby appropriated out of any money not otherwise appropriated: to Peter Morey, twenty-five dollars and fifty cents, for services rendered and expenses incurred as assistant Adjutant General, under the order of the Adjutant General, in recovering and securing certain arms, accouterments and ordnance, lately in possession of the Tecumseh Troop of Flying Artillery, and the Lenawee Light Artillery; to Moses Hawks, for publishing Adjutant's notice to town and county clerks, in the Allegan Record, two dollars and forty-seven cents; to Munger and Pattison, for publishing general orders and printing notices for Adjutant General's office, twelve dollars; to John E. Schwarz, Adjutant General, for money paid for blacksmithing and carpenter work, two dollars and seventy-seven cents; to L. H. Hubbard, for collecting and packing arms and accouterments in Macomb county, ten dollars and fifty cents; to C. W. Williams, for glazing done in State building at Detroit, eleven dollars and sixty-three cents; to A. Kaminsky, for publishing and printing general orders, six dollars; to H. H. Dunklee, for printing for Adjutant General's office, twenty-nine dollars and thirty cents; to William Mynehan, for hauling ordnance to Central Railroad, two dollars and twenty-five cents; to the Michigan Central Railroad Company, for transporting ordnance, eighteen dollars and sixty-seven cents; to Elliott M. Gray, for cleaning muskets, cannon, carriage and harness, sixteen dollars and thirteen cents; and to Heber Cowden, for collecting, transporting and cleaning arms, accouterments, and securing the same, thirty dollars.

Sec. 2. That the Auditor General be and he is hereby authorized and directed to draw his warrant on the State Treasurer, payable

Duty of Auditor Genl.

out of the general fund, in any moneys not otherwise appropriated, in favor of the several persons named in section one of this act, for the sums hereby appropriated to such persons respectively.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 30, 1850.

[No. 192.]

AN ACT to incorporate the Battle Creek and Gull Prairie Plank Road Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Edward Packer, Abraham Frost, Mumford Eldred, junr., John Stewart and Elnathan Judson be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Battle Creek and Gull Prairie Plank Road Company; and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Battle Creek and Gull Prairie Plank Road Company.

Route.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Battle Creek in the county of Calhoun, on the most eligible route to Gull Prairie in the township of Richland in the county of Kalamazoo, with the right of uniting said road at any point with the plank road of any other company.

Capital.

Sec. 3. The capital-stock of said company shall be the sum of fifty thousand dollars, to be divided into two thousand shares of twenty five dollars each; and said company shall be subject to all general laws of this state relative to plank roads, not inconsistent with section four of this act.

Duration of charter.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the Legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it

shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. of the capital stock invested: *Provided*, ^{Previous.} There be no violation of the charter of, said company.

Sec. 5. Said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are hereby made a part of this act. ^{General provisions.}

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 30, 1850.

[No. 193.]

AN ACT to provide for the collection of taxes assessed on personal property in certain cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That whenever any tax which shall have been or which may hereafter be assessed on personal property in this State, shall be returned by any township treasurer for non-payment, under the provisions of section forty-five of chapter twenty of the revised statutes of eighteen hundred and forty-six, it shall be lawful for the treasurer of the township from which any such tax is so returned, in the name of such township, to sue the person or persons against whom such tax was assessed, before any court of competent jurisdiction, and to have, use and take all lawful ways and means provided by law for the collection of debts, to enforce the payment of any such tax. ^{Duties of township treasurer.}

Sec. 2. Executions issued upon judgments rendered for any such tax may be levied upon any property liable to be seized and sold under warrants issued for the collection of taxes by township supervisors, and the proceedings of an officer with any such execution shall be the same in all other respects as are now directed by law. ^{Executions.}

Sec. 3. The production of any assessment roll on the trial of any action brought for the recovery of a tax therein assessed, may, upon proof that it is either the original assessment roll, or the ^{Assessment roll may be used in evidence.} assessment

roll with the warrant annexed, of the township named as the plaintiff in such action, be read or used in evidence; and if it shall appear from said assessment roll that there is a tax therein assessed against the defendant in such suit, it shall be prima facie evidence of the legality and regularity of the assessment of the same, and the court before whom the cause may be pending shall proceed to render judgment against the defendant, unless he shall make it appear that he has paid such tax.

No stay allowed.

Sec. 4. No stay of execution shall be allowed on judgment rendered under the provisions of this act.

Sec. 5. This act shall take effect from and after its passage.

Approved March 30, 1850.

[No. 194.]

AN ACT to provide for establishing the seat of justice for the county of Neewaygo.

Commissioner's

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Executive be and he hereby is authorized and required to appoint three commissioners to locate the seat of justice for the county of Neewaygo.

Their duties

Sec. 2. The commissioners, or a majority of them, shall, within sixty days after being notified of their appointment, take an oath or affirmation faithfully to discharge the duties assigned to them, and that they have no interest directly or indirectly therein, and proceed to locate the seat of justice in said county, as by their appointment directed. And when they shall have located said seat of justice, they shall report their proceedings to the Executive; and if he approve of the same, he shall endorse his approval thereon, and cause it to be filed in the office of the Secretary of State; and the Executive shall cause a proclamation to be made establishing a seat of justice in said county of Neewaygo, agreeable to the report of the commissioners so made and accepted, and such proclamation he shall cause to be published in two papers printed in the State of Michigan: *Provided*, That if in his opinion anything tending to impeach the fairness of the proceeding on the part of the commissioners shall be communicated to the Executive, he shall not approve of said lo-

Executive; his duty.

ation, but shall report the whole proceeding to the next Legislature, to be disposed of as said Legislature may deem expedient.

Sec. 3. The said commissioners shall be allowed three dollars for every day on which they may be engaged in exploring said county, for the purpose of locating said county site, and three dollars for every twenty miles travel in going to and returning from said county; which amount shall be paid to the said commissioners by the person or persons upon whose lands the seat of justice may be located, before any such location shall be approved either by the Executive or the Legislature: *Provided*, It shall be located on lands not belonging to the United States or to this State: *And Provided*, That no more than twenty days pay for each commissioner shall be allowed: *Provided*, That the State shall in no case be liable for the expenses or services rendered by the said commissioners. Pay of commissioners.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 30, 1850.

[No. 195.]

AN ACT to amend an act entitled an act to authorize the sale of the Southern Railroad and to incorporate the Michigan Southern Railroad Company, approved May 9, 1846.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the Michigan Southern Railroad Company to construct, finish and put in operation said road from Hillsdale in the county of Hillsdale, to Coldwater in the county of Branch, shall be and the same is hereby extended one year beyond the time limited for that purpose in their act of incorporation, in the title of this act mentioned: *Provided*, Said Michigan Southern Railroad Company shall construct, finish and put in operation said road from Hillsdale to Jonesville in the county of Hillsdale, by the fifteenth day of September next. Time extended. Provide.

Sec. 2. It shall be lawful for said company to pay in cash or any of the claims of State indebtedness which by the act incorporating said company or by law may be receivable by the State in payment of the purchase money, at the rates mentioned in their act of incorporation, and it shall be the duty of the State Treasurer of this State

Duty of State
Treasurer.

State Audi-
tors

Notice.

May issue
bonds.

to receive, whenever tendered by said company, any or all of the unpaid portion of the purchase money or purchase price and interest due or to become due to the State, at any time before the same may become due by the terms of their charter. And all payments which shall be made in pursuance of this section shall be credited and applied by said Treasurer, first upon the interest, and then the balance upon instalments of principal which will become first payable according to said act of incorporation. And from and after the full payment of the purchase money and interest thereon, then remaining unpaid by said company to the State, the said railroad and its appurtenances, rights, franchises and property of every description, shall vest in and become the absolute property of said company, free, clear and discharged of and from all liens and encumbrances of the State upon the same for the payment of the purchase money and interest thereon. But before said company shall be entitled to such discharge, the said company shall submit to and abide the decision of the board of State auditors upon the claim of the State against said company for nine thousand dollars, with interest from the twenty-third day of December, eighteen hundred and forty-six, for a locomotive and freight cars put on said road by the State, after July, eighteen hundred and forty-six, against which and in discharge whereof the said company claim to be allowed a considerable deficiency in the property delivered to them, from the inventory furnished to the corporators; and said board of State auditors shall, between the first and twentieth days of June next, give to said company or to the secretary thereof thirty days previous notice of the time and place of hearing; and the decision of said board of auditors shall be final and conclusive in the premises; and if any sum shall by the said board be found due from said company to the State, said company shall pay said sum so found due, in addition to the next instalments of the purchase price, or within six months from the time of receiving notice of such decision.

Sec. 3. For the purpose of providing means for the payment of its debts, and for the construction, extension and completion of its railroads, shops, depots, buildings and equipments, said company may issue its corporate bonds or obligations for such amounts not less than five hundred dollars, and in the aggregate not exceeding their capital stock, and in such form as it may deem proper, and pay-

able at such times and places, upon such terms and with such rates of interest (not exceeding eight per cent per annum,) as it may determine; and may secure the payment of the whole or any portion of such bonds or obligations by mortgage of the road or other property of said company: *Provided*, That no such mortgage shall in any respect invalidate or affect or change the title or ownership of said road so far as the same is vested in this State, or the priority of any lien or claim of this State upon said road or other property for the purchase price of said road or any part thereof, or for any tax now due or to become due from said company to this State. And said company may sell, dispose of and negotiate such bonds or obligations, either within or without this State, at such rates, for such prices and on such terms as said company may determine. And in case said bonds or obligations, or any of them, shall be thus sold, disposed of or negotiated at a discount, said sale, disposal or negotiation shall be as valid and effectual as if said bonds or obligations had been sold, disposed of or negotiated at their par value; and said bonds or obligations shall be valid and binding as a security for the whole sum payable by the terms thereof, in the same manner as if they had been sold, disposed of or negotiated at their par value; and all bonds heretofore issued by said company shall be as binding upon said company as if this act had never been passed, except as herein otherwise provided. But said bonds or obligations now issued or hereafter to be issued under the provisions of this act, shall in no way affect the title of the State to said Michigan Southern Railroad or any portion thereof, or to the machinery, fixtures or other property upon or belonging to said railroad company; neither shall said bonds or obligations take precedence of or affect any lien which the State now has or may have under the provisions of this act, or the act [to] which this [is] amendatory.

Sec. 4. For all or any of the purposes aforesaid, said company may create and issue shares of guarantied stock, to be denominated "construction stock," to such an amount as it may determine, not (with the original stock) to exceed the amount of their capital stock allowed by law; which construction stock shall be entitled to such dividends and payable at such place and in such manner, and with such preference or priority over the remaining stock of said company, in the payment of dividends, as the directors of said company

may determine, and as shall be approved by the holders of a majority of the stock represented at their annual meeting; and any such "construction stock" heretofore issued, and all guarantees and contracts in respect thereto, are hereby declared to be legal and binding upon said company. And the holders of such construction stock, and their representatives, shall be entitled to vote and have an equal voice in the management of the affairs of said company, with the holders of an equal amount of the original stock of said company. And said company may, from time to time, declare and pay from its net profits, receipts or income, such dividends in cash or stock to its share holders, as it may deem proper. But the dividends payable to the share holders in each class of stock, shall be in just proportion to their respective shares; and the fourteenth section of the act incorporating said company, so far as the same contravenes the provisions of this act, is hereby modified or repealed.

Dividends.

Annual report.

Sec. 5. The annual report of said company to the Secretary of State, required by the thirtieth section of the act incorporating said company, shall hereafter embrace the business of said company for each year, to the first day of December, instead of the first day of January, as provided in said section.

Time allowed for construction.

Sec. 6. The said company shall construct and put into operation, within three years after the passage of this act, the said railroad from Goldwater in the county of Branch, to St. Joseph river, in the village of Constantine, or to such other point on said river St. Joseph as said company may select, north of said village of Constantine, and in the county of St. Joseph; said railroad from Coldwater to the point on the St. Joseph river, to be constructed within the boundaries of the State of Michigan, and not nearer than two miles to the Indiana line: *Provided*, That nothing contained in this act, or the act to which this is amendatory, shall be so construed as to give the said Michigan Southern Railroad Company the right to construct and continue the said Michigan Southern Railroad from the village of Constantine to the State line of Indiana, within one year after the passage of this act, and until the Legislature shall have acted on said charter at the next session thereof.

Provide.

Heavy rail, where and when laid.

Sec. 7. Said company shall lay the track of said Michigan Southern Railroad between the city of Monroe and the village of Adrian, with a heavy iron rail, weighing not less than fifty-six pounds to the

yard, within five years from the passage of this act; at least five consecutive miles of which, commencing at the wharves in the city of Monroe, shall be laid down during the year eighteen hundred and fifty, and at least five miles in each year thereafter, until the whole is completed; the whole to be laid from Monroe to Adrian, as aforesaid, before the railroad leading from Adrian to Toledo, or any other railroad hereafter to be built, leading southwardly or southeasterly through any portion of the county of Lenawee to the State line of Ohio, shall be laid with as heavy a rail. And there shall never be less of equally heavy iron rail on that part of said Michigan Southern Railroad between Monroe and Adrian, than on said road leading from Adrian to Toledo, or any other road to be constructed southwardly or southeasterly, as aforesaid, in proportion to the relative distance. And any violation of any of the provisions of this section, shall forfeit to the people of this State the sum of thirty thousand dollars. Forfeiture for violation

Sec. 8. The tariff or rates of toll and passage for the transportation of persons and property on or over that portion of said Southern Railroad between the city of Monroe and the village of Adrian, shall never exceed the lowest price at any time charged from the village of Adrian to Toledo, on the railroad between the two last named places, nor the price at any time to be charged on any railroad leading from any part of the county of Lenawee, directly or indirectly to any point within the State of Ohio, while or whenever there may be any connection of the Michigan Southern Railroad with any other railroad leading into the State of Ohio. And it shall be the duty of the Southern Railroad Company at all times to afford to any consignor, owner or agent of any property that shall be directed or consigned to or by way of Monroe, fully equal facility, in every respect, for the transportation of such property, as shall be given to any property consigned to Toledo; and no agent or other person in the employ of said company shall at any time endeavor [or] attempt to procure either freight or passengers for any direction, or transportation over any road south of said Southern Railroad, in preference to that part of said road between Adrian and Monroe. For every violation of this section, said company shall forfeit and pay to the party aggrieved, a penalty of one hundred dollars, to be recovered by action of debt; and shall also be liable to [for] all dama- Rates of toll Equal facilities afforded. Penalty.

Proviso. ges to the party aggrieved: *Provided*, That nothing in this act contained shall legalize or in any manner effect any connection of said Southern Railroad with the road called the Erie and Kalamasoo Railroad, or with any railroad hereafter to be built, leading southwardly or southeastwardly therefrom, through any portion of this State eastwardly from the county of Lenawee.

Requisition Sec. 9. The said company are also required to keep in good running order the branch road leading from the Michigan Southern Railroad to the village of Tecumseh in the county of Lenawee, and to furnish at all times all reasonable facilities for the transportation of freight and passengers thereon. The State reserves the right at any

Repeal. time after thirty years from the passage of this act, by a vote of two-thirds of each branch of the Legislature, to alter, amend or repeal the same: *Provided*, The said company shall be compensated by the State for all damages sustained by reason of such alteration, amendment or repeal.

Acceptance Sec. 10. This act shall take effect whenever the said company shall accept the same, and their acceptance in writing, signed and certified to by the president and secretary of said company, under its corporate seal, shall be filed in the office of the Secretary of State: *Provided*, Such acceptance shall be so filed within six months from the passage of this act.

Approved April 1, 1850.

[No. 196.]

AN ACT to repeal certain acts, and a part of an act approved March 31, 1849.

Act No. 192
& 218 of '49
repealed. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That act number one hundred and ninety-two, entitled "an act appropriating certain non-resident highway taxes for the improvement of the Pontiac and Grand River road," approved March 31st, 1849; also act number two hundred and eighteen, entitled "an act for the improvement of the road leading from Hillman's in the township of Tyrone and county of Livingston, to Pontiac in the county of Oakland," approved March 31st, 1849, are hereby repealed.

Sec. 2. That sections two, three, four, five, six and seven, of act

number one hundred and ninety-one, approved March 31st, 1849, Secs. 2, 3, 4, 5, 6, 7 of act 191 of 1849, repealed.
 entitled "an act to provide for laying out and establishing a certain State road in the counties of Oakland and Genesee," be and the same are hereby repealed: *Provided*, That all moneys now in the hands of the county treasurer, which by existing law are to be appropriated on said roads according to the provisions of said act, (which this act repeals,) shall be appropriated under the supervision of the special commissioner appointed for that purpose. Proviso.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 1, 1850.

[No. 197.]

AN ACT to organize a school district for colored children in the village of Niles.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the school inspectors of the village of Niles be authorized to organize a school district, to be numbered as they shall decide, not described by metes and bounds, but composed of the colored children of said village between the ages of four and eighteen years, inclusive. Organizer's

Sec. 2. The said inspectors shall have power, and it shall be their duty, to appoint annually a director for said district, who shall hold his office until another is appointed. Inspector's duties.

Sec. 3. It shall be the duty of said director to enumerate the colored children in said village between the ages of four and eighteen, inclusive, and make return thereof at the time and in the manner that school directors of other districts are required by law to do, and to employ a teacher for said district. Director's duties.

Sec. 4. If it shall appear by the return of said director that a school has been taught for three months by a competent teacher, in the year for which the returns were made, the inspectors of said district are authorized to apportion from the public moneys to said district, so much thereof as it shall be entitled to from the number of scholars of which said district is composed. Inspector's duties.

Sec. 5. Such money shall be paid to the said director, and by him

**Moneys,
how appro-
priated.**

used in the payment of the wages of a competent teacher; and he shall account to the inspectors for the expenditure of such moneys, to their satisfaction, by proper vouchers.

**Expenses;
how paid.**

Sec. 6. The expenses of said school, after the exhaustion of such moneys, shall be paid by the parents and guardians of such children as shall be sent to said school, in proportion to the time for which such children were sent; the same to be assessed and collected by the director, together with five per cent. in addition in full for collecting the same.

Enumeration

Sec. 7. The directors of the other several school districts in the village are required not to enumerate the colored children in their several districts when taking the annual census required by law.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 1, 1850.

[No. 198.]

AN ACT to provide for laying out and establishing a certain State Road.

**Commissioners,
& their du-
ties.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Samuel Stevens, Moses A. Taylor and Stephen Birdsall, be and they are hereby appointed commissioners, with authority to lay out and establish a State road, commencing on the Chicago turnpike at or near the north-east corner of section sixteen, in the town of Moscow in the county of Hillsdale, and running thence south as near as practicable on the section line through the towns of Moscow and Adams, and thence on the most practicable route to the Southern Railroad, in or near the village of Osseo in said county.

**State not
liable.**

Sec. 2. In laying out and making said road, the State shall not be liable for any damages or any expenses incurred by reason thereof.

Damages.

Sec. 3. The damages sustained by the owners of land through which said road shall be laid, shall be assessed and determined in the same manner as is now provided by law for township highways, except that the commissioners in this act shall officiate in the stead of town commissioners in awarding and determining the same.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 1, 1850.

[No. 199.]

AN ACT for the relief of fractional school district number eight, in the townships of Quincy in the county of Branch, and Allen in the county of Hillsdale.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That fractional school district number eight, in the townships of Quincy in the county of Branch, and Allen in the county of Hillsdale, shall be entitled to the sums of money applicable to the support of schools in said townships, which shall be apportioned for the year eighteen hundred and forty-five, as it would have been had the school in said district been kept by a qualified teacher for three months within the year next previous to their last annual report.

Sec. 2. This act shall take effect immediately.

Approved April 1, 1850.

[No. 200.]

AN ACT to vacate the south half of block number six, in the village of Lawrence in the county of Van Buren.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the south half of block number six, in the village of Lawrence in the county of Van Buren, be and the same is hereby vacated.

Sec. 2. This act shall take effect and be in force as soon as the owner or owners of the premises above described shall execute and deliver to the Lawrence Literary Association a good and sufficient conveyance of the said south half of block number six, aforesaid, and not before.

Approved April 1, 1850.

[No. 201.]

AN ACT to authorize the highway commissioners of the township of Tompkins in the county of Jackson, to alter a certain State road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the highway commissioners for the township of Tompkins in the county of Jackson, shall have authority to alter the State road that runs through that township, on application, the same as if the said State road had been originally laid out by the township authorities; and the notices to be given, and right to appeal, and all proceedings and expenses shall be the same as if acting on township roads.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1850.

[No. 202.]

AN ACT to provide for laying out and establishing a certain State Road in the counties of Oakland and Genesee.

Commissioners Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Joshua K. Abbott of Grand Blanc in the county of Genesee, Everett Wendell of Rose, and John Taylor of Milford, in the county of Oakland, be and are hereby appointed commissioners to lay out and establish a certain State road, *Route.* commencing east of Grand Blanc tavern, at the school house, where the road runs south, in the county of Genesee, thence running in a southerly direction on the most eligible route to Algerville in the township of Hawley; thence south to Everett Wendell's inn in the township of Rose, and thence south to the village of Milford in the county of Oakland; and who shall cause the survey bill of the same to be filed for record in the office of the several township clerks of the townships through which the same shall be laid out, on or before the first day of August next.

Commissioners; their duties. Sec. 2. It shall be the duty of the highway commissioners of the several townships through which the road to be established by this act may pass, to cause the same to be opened agreeably to the actual

survey so ordered and established by said commissioners, in the same manner as is provided by law for the opening of other roads in the several townships of the State.

Sec. 3. The State shall not be liable for any expense incurred or damages sustained by reason of this act; and in case the road mentioned in this act shall not be laid out and established within two years from the passage of this act, the provisions therein contained shall be void. State not liable.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 1, 1850.

[No. 203.]

AN ACT to vacate certain streets in the Town of Lansing.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the streets in the recorded map of the Town of Michigan, (now Lansing,) known as Park street, Turtle street, Fish street, all that part of North street lying east of Larch street, and all that part of Maple street extending west from Grand river as far as the north-west corner of lot number five in block number forty-two, and all that part of Beaver street west of Turner street, be and they are hereby vacated and discontinued.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1853.

[No. 204.]

AN ACT to amend an act entitled an act to regulate proceeding in the collection of demands against ships, boats and vessels.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section one of chapter one hundred and twenty-two of the revised statutes of 1846, be and the same is hereby amended by inserting after the word "used," in the first line, the words "or intended to be used;" so that said section shall read: "Sec. 1. Every ship, boat or vessel used or intended to be used Act. 1, chap. 122, amended.

in navigating the waters of this State, shall be subject to a lien thereon."

Sec. 1, chap.
142, amend-
ed.

Sec. 2. That the first sub-division of section first, be and the same is hereby amended by inserting after the word "supplies," in the second line of said first sub-division, the words "and provisions." Also, by inserting after the word "vessel," in the third line thereof, the words "on account of work done or services rendered on board such ship, boat or vessel, by seamen or other persons employed thereon, or for furnishing board and lodging, or both of them to persons engaged in constructing, repairing, or in any other manner about such boat or vessel;" so that said first sub-division as amended shall read: "1. For all debts contracted by the master, owner, agent or consignee thereof, on account of supplies and provisions furnished for the use of said ship, boat or vessel; on account of work done or services rendered on board such ship, boat or vessel by seamen or other persons employed thereon; or for furnishing board and lodging, or both of them, to persons engaged in constructing, repairing, or in any other manner about such boat or vessel; on account of work done or materials furnished by mechanics, tradesmen or others in or about the building, repairing, fitting, furnishing or equipping such ship, boat or vessel."

Proceedings

Sec. 3. No proceeding under the act to which this act is amendatory shall be abated, quashed or set aside for any clerical or circumstantial error, or any misnomer of a ship, boat or vessel, when the same can be amended without injustice; but in all such cases, amendments shall be granted on such terms as the court shall think proper.

Fees.

Sec. 4. The fees for keeping any ship, boat or vessel seized under the provisions of the act to which this is amendatory, shall be one dollar and fifty cents for every twenty-four hours; but the court may in any case allow as costs any necessary expense arising from keeping such ship, boat or vessel; all other costs shall be such as are established by law for like services; and in any case where an action shall be brought upon any bond that may be given under the provisions of said act, for the release of any ship, boat or vessel, such costs shall be taxed against the party losing in such action.

Proceedings

Sec. 5. In case of the death, resignation, removal or absence of any officer before whom proceedings may have been commenced, under the provisions of this chapter, and before the same shall have

been completed and determined, it shall be lawful to transfer the warrant and proceedings to any other officer authorized to perform the duties of a justice of the supreme court at chambers, or to any other judge of any court of record, in the proper county, who shall thereupon have jurisdiction of the cause or matter so transferred, in the same manner as if he had originally issued the warrant in the cause. Or in case of the temporary absence of the officer before whom proceedings may have been commenced under the provisions of this chapter, and before the same shall have been completed and determined, such other officer, or any justice of the peace of the proper county, may continue any such proceedings till the return of the officer before whom the same were commenced; but no such continuance shall extend beyond thirty days.

Approved April 1, 1850.

[No. 205.]

AN ACT to amend an act entitled an act to amend an act entitled an act to incorporate the village of Adrian, approved April 6, 1841.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section two of an act entitled "an act to amend an act entitled 'an act to incorporate the village of Adrian,'" be and the same is hereby amended by inserting in the eighth line thereof, as printed, after the word "Treasurer," the words, "and also one Marshal and one Street Commissioner." And amend section 13 of the act above recited, by striking out all after the word "authority," in the first and second lines thereof, to and including the word "act," in the fourth line of said section as printed.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1850.

[No. 206.]

AN ACT to amend chapter ninety-five of the revised statutes of eighteen hundred and forty-six.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section two of chapter ninety-five of

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the revised statutes of eighteen hundred and forty-six, be amended by adding after the word "court," in the third line of said section, "excepting in the counties of Michilimackinac, Chippewa and Houghton."

Sec. 2. This act shall take effect from and after its passage.

Approved April 1, 1850.

[No. 207.]

AN ACT to vacate the village plat of Centerville, in the township of Royal Oak in the county of Oakland.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the village plat of the village of Centerville in the county of Oakland and state of Michigan, be and the same is hereby vacated; and that all lands which have heretofore been known as the village plat of the village of Centerville in the county of Oakland, shall hereafter be assessed the same as though the same had never been platted and recorded as a village plat.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1850.

[No. 208.]

AN ACT to change the name of Ervin Eugene Bidler.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the name of Ervine Eugene Bidler be and the same is hereby changed to Ervine Eugene Sayres: *Provided*, That nothing in this act contained shall be so construed as to release the said Ervine Eugene Bidler, whose name is hereby changed to Ervine Eugene Sayres, from any liability or obligation he may have incurred or come under prior to the change of his name.

Sec. 2. This act shall take effect from its passage.

Approved April 1, 1850.

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[No. 209.]

AN ACT to incorporate the Ypsilanti Woolen Manufacturing Company, in the county of Washtenaw.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Mark Norris, Arden H. Ballard, Walter A. Buckbee, Isaac N. Conklin and Walter B. Hewitt, and their successors and associates, are hereby created a body corporate, by the name of the Ypsilanti Woolen Manufacturing Company, for the term of thirty years from the passage of this act, for the purpose of manufacturing woolen and woolen and cotton cloths, in the township of Ypsilanti and county of Washtenaw, capable of executing all the powers, entitled to all the privileges, subject to all the duties and liabilities specified in chapter fifty-five of the revised statutes of eighty hundred and forty-six, so far as the same may be modified and controlled by the terms of this act.

Incorporation.
Powers and liabilities.

Sec. 2. The capital stock of said corporation shall not exceed the sum of one hundred thousand dollars, a part whereof, not exceeding forty thousand dollars, may be invested in real estate, which said corporation is hereby authorized to hold.

Capital.

Sec. 3. Said corporation shall have a treasurer, upon whom service of any process against said company may be made, and the same shall be deemed a valid service thereof upon said company; and such other officers and agents as the members of the corporation may determine, to be appointed in such manner and for such terms as the by-laws of said corporation may prescribe. The treasurer shall be sworn to the faithful discharge of his duties, as the same may be prescribed in said by-laws, and shall give bond, in such a sum and with such sureties as the said by-laws may prescribe, for the faithful discharge of his duty.

Service of process.
Officers.

Sec. 4. The amount of the capital stock shall be fixed and limited by the corporation, in the manner prescribed by the by-laws, not exceeding one hundred thousand dollars, and shall be divided into shares of twenty-five dollars each, and a record thereof be made by the treasurer; said shares shall be numbered in progressive order, beginning at number-one; and every stockholder shall have a certificate under the seal of the corporation, and signed by the treasurer, certifying his property in such share as shall be expressed in the

Capital.

Proviso. certificate: *Provided*, That the real estate which this company may hold shall be only such as shall be necessary for the corporate uses of said company.

Stock. Sec. 5. Any shares may be transferred by the proprietor thereof, by a deed under his hand and seal, acknowledged by any officer duly authorized by law to take acknowledgments of deeds, and recorded by the treasurer of the corporation, in a book to be kept for that purpose; and the purchaser named in such deed so recorded, shall, on producing the same to the treasurer, and delivering to him the former certificate, be entitled to a new certificate; and from the entry of such transfer the new stockholder shall be under all the liabilities of the original stockholders.

Assessments. Sec. 6. Said corporation may, from time to time, at any regular meeting called for that purpose, assess upon each share such sums of money as the corporation may think proper, not exceeding in the whole the amount at which such share shall be originally limited; and such sums so assessed shall be paid to the treasurer at such times and by such instalments as the corporation shall direct.

Indebtedness. Sec. 7. The whole amount of debts which said corporation shall at any time owe, shall not exceed the amount of its capital stock actually paid in; and said corporation shall annually give notice in some newspaper printed in the county of Washtenaw, (and in the village of Ypsilanti, if any newspaper be printed in such village,) of the amount of all the assessments laid by said corporation and actually paid in, and the amount of all existing debts; which notice shall be signed by the treasurer.

Liability. Sec. 8. All the members of this corporation or manufacturing company shall be jointly and severally liable for all debts and contracts made by said company for services rendered to said company: *Provided*, That the joint property shall be first exhausted before the private property of any member of said company shall be taken.

Proviso. Sec. 9. The company shall, annually, on or before the first Monday of January in each year, make a report in writing to the Secretary of State of the amount of the capital stock of said company, the amount paid in, the amount of all loans for the use of said company, and the amount of dividend upon the capital stock of said company.

Liability. Sec. 10. All the stockholders of said company shall be severally

and individually liable to the creditors of said company, to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by or for said company, until the whole of their capital stock shall have been paid in, and a certificate thereof shall have been made and recorded, as prescribed in the following section; and the capital stock of said company shall all be paid in, one-half within two years, and one-half within four years from the passage of this act, or said company be dissolved. Nothing but money shall be considered as payment of any part of the capital stock. The said company shall, within six months after an organization under this act, establish and at all times maintain a business office to be located in the village of Ypsilanti. In case the treasurer of said company is not found at said office, service of all legal process against said company may be made by leaving a copy thereof at said office. Business office.
Service of process

Sec. 11. The president and a majority of the trustees or directors of said company, within thirty days after the payment of the last instalment of the capital stock of said company, shall make a certificate stating the amount of capital so paid in, which certificate shall be signed and sworn to by the president and a majority of the trustees or directors; and they shall, within the said thirty days, cause the same to be recorded in the book of miscellaneous records in the office of the register of deeds in the said county of Washtenaw. Duty of President & Directors.

Sec. 12. If said company shall declare and pay any dividend when said company is insolvent, or any dividend the payment of which would render it insolvent, or which would diminish the amount of its capital stock, the stockholders shall be jointly and severally liable for all the debts of the company then existing. The stockholders of said company shall be jointly and severally individually liable for debts that may be due and owing to all their agents, laborers and apprentices, and to all persons in their employ, for services performed for said company. Dividends.
Liability.

Sec. 13. The Legislature may at any time alter, amend or repeal this act; but such amendment shall not, nor shall the dissolution of said company, take away or impair any remedy given against said company, its stockholders or officers, for any liability which shall have been previously incurred. Repeal.

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Sec. 14. This act shall take effect and be in force from and after its passage.

Approved April 1, 1850.

[No. 210.]

AN ACT to amend an act to provide for the recording of town plats and for vacating the same in certain cases, Approved April 19, 1839.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the above named act be and the same is hereby amended by adding a new section thereto, to stand as section nine, to wit: "Sec. 9. When application is made to alter or vacate any town or village plat, as aforesaid, any person or persons interested may appear in person or by attorney, and oppose the same, by having his or their appearance entered upon the records of said court for that purpose; and if the proprietor succeed in his application, then judgment shall be rendered in his favor, and costs against the person or persons opposing the same; but in case the proprietor does not succeed in his application, judgment shall be rendered in favor of the person or persons opposing the same, for costs, and shall be taxed and execution issued therefor as in other cases."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1850.

[No. 211.]

AN ACT for the improvement of the Eaton, Barry and Allegan State Road.

Highway
tax appro-
priated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That for the improvement of the Eaton, Barry and Allegan State road, there shall be and is appropriated, to be expended as hereinafter provided, the non-resident highway tax for the year one thousand eight hundred and forty-nine, which shall remain unexpended on the first day of May next, and the non-resident highway tax which may hereafter be assessed for four years

next following the year 1849, upon the line of said road as herein-
after described, viz: commencing at the west line of the village
plat of the village of Lansing, thence west, embracing all non-resi- Line of
road.
dent land for one mile each way from the centre of said road to the
west line of the township of Delta in the county of Eaton; thence
following the line of said road to the west line of said county of Ea-
ton, embracing all of the non-resident lands for a distance of one
mile each way from the centre of said road: *Provided*, That [if] any Proviso.
lot or description of land not exceeding eighty acres, (owned by
non-residents as aforesaid,) shall be partially embraced within said
limit, and extend beyond said one mile, as above specified, the high-
way tax upon such description shall be deemed appropriated as
aforesaid.

Sec. 2. A special commissioner shall be appointed who shall have Special
commissioner.
the superintendence of the said road within the counties of Ingham
and Eaton, and shall direct where the moneys shall be expended
and the labor performed in said road.

Sec. 3. It shall be the duty of said special commissioner to make His duties.
out a correct list of all non-resident lands embraced within the
provisions of this act, and file the same with the county treasurer of
the county in which the land lies, on or before the twentieth day of
June next.

Sec. 4. The county treasurers of the counties of Eaton and Ing- Duty of Co.
treasurers.
ham, respectively, shall each open accounts in a book to be provided
for that purpose at the expense of the counties respectively, with the
Eaton, Barry and Allegan State road fund, and shall credit all mo-
neys paid to them respectively, under the provisions of this act, to
said fund; and shall charge to said fund all warrants drawn in pur-
suance of this act, all payments made to the commissioner on ac-
count of services and such other necessary expenses in carrying
into execution the purposes of this act, which may be audited by the
board of supervisors of the respective counties.

Sec. 5. The said special commissioner shall have power to let or Commissioner
to contract.
contract by public auction, any job or work on said road, giving pub-
lic notice thereof by posting up three or more notices within the
township where the labor is to be performed, as near as may be upon
the line of the road, at least ten days before the time of letting such

contract, which shall be let to the lowest bidder giving good security to the satisfaction of the commissioner for the faithful performance of said contract.

*Compensa-
tion.

Sec. 6. Whenever any such contract shall be performed, the commissioner shall certify to the fact upon the contract, and shall thereupon draw his warrant upon the treasurer for the payment of the same, out of the Eaton, Barry and Allegan road fund, and shall attach such warrant to said contract, and deliver the same to the contractor; and in case any person having so contracted shall fail in the performance of his contract, it shall be the duty of the commissioner to cause the same to be prosecuted in his own name for the benefit of the aforesaid account.

Forfeiture.

*Labor; how
done.

Sec. 7. Any person wishing to perform the labor assessed upon his land, embraced within the limits of the first section of this act, may apply either by his agent or otherwise to the special commissioner; and on such application the said commissioner shall direct when, where and in what manner the labor may be performed on said road; and whenever the same shall be fully and satisfactorily performed, the said commissioner shall give a receipt therefor; and upon presentation of such receipt to the overseer of highways of the road district in which such lands lie, before the time designated by law for the return of unpaid highway taxes, the said overseer shall cancel the tax acknowledged to be paid by said receipt.

*Commuta-
tion moneys

Sec. 8. Whenever any person shall commute the highway tax assessed upon non-resident lands embraced within the provisions of this act, and the same shall be paid to overseers of highways, they shall pay over the same within thirty days to the township treasurer, who shall give duplicate receipts therefor, one of which receipts said overseer of highways shall deposit with the county treasurer, within ten days thereafter; and the township treasurer shall pay over to the county treasurer, on or before the fifteenth day of November in each year, all moneys that may come into his hands in each year from the overseer of highways.

*Commis-
sioner's
appointed.

Sec. 9. Roswell Maxon, of the county of Eaton, is hereby appointed special commissioner under this act; and before said commissioner shall enter upon the duties of his office, he shall take and subscribe the oath prescribed by the laws of this State, and file the same with the clerk of Eaton county.

Sec. 10. Said special commissioner shall receive for his services ^{Pay.} the sum of one dollar per day for the time actually employed in the business of said road; which account for services rendered shall be verified by his affidavit; and his account so verified shall be paid by the county treasurer of Eaton county, out of any moneys in his office to the credit of the Eaton, Barry and Allegan road fund.

Sec. 11. Any person who shall neglect or refuse to perform the duties enjoined upon him by this act, shall forfeit and pay a sum not ^{Penalty.} exceeding twenty dollars; and the commissioner herein mentioned may be removed from office for such neglect or refusal, by the board ^{Removal.} of supervisors of the county of Eaton, who may enter such neglect or refusal at large upon their journal; but no removal shall be made by the board of supervisors without first giving said commissioner at least five days notice, to be heard in his defence; and any ^{Vacancies; how filled.} vacancies which may occur in any office created by the provisions of this act, shall be filled by the board of supervisors of the county of Eaton.

Sec. 12. Any forfeiture incurred under and by virtue of this act, may be recovered in an action of debt before any justice of the peace, in the name of the people of the State of Michigan, which shall be paid to the county treasurer in [the] county in which the forfeiture occurred, to be paid to the credit of said fund. ^{Forfeiture; how recovered.}

Sec. 13. The laws regulating highways, not contrary to the provisions of this act, shall apply to this road. ^{General provisions.}

Sec. 14. This act shall take effect and be in force from and after its passage.

Approved April 1, 1850.

[No. 212.]

AN ACT to attach the county of Huron to Sanilac for legislative and other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the county of Huron be and the same is hereby attached to the county of Sanilac for judicial and representative purposes; and to the township of Sanilac in the county of Sanilac, for township purposes.

[No. 216.]

AN ACT to amend chapter 20 of title 5 of the revised statutes of 1846, in reference to deeds on tax sales.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Michigan, That chapter twenty, title five of the revised statutes of 1846, be and the same is hereby amended by adding at the end of said chapter, to stand as section 130, the following: "Sec. 130. In all cases of sales of land for taxes, if the purchaser or his assignee shall die before a deed shall be executed on such sale, the deed shall be executed by the Auditor General to and in the name of such deceased person, if such person, being still alive, would be entitled to the same; which deed shall vest the tax title in the heirs or devisees of such deceased person, in the same manner, and liable to the like claims of creditors and other persons, as if the same had been executed to such deceased person immediately preceding his death. And in all like cases which have heretofore occurred, the same rule shall apply; and all deeds heretofore issued in the name of any deceased person, who, if living at the time of the execution thereof, would have been entitled thereto, shall have the like effect as above provided."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1850.

[No. 217.]

AN ACT to incorporate the Homer and Jonesville Plank Road Company.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Michigan, That George C. Munroe, E. O. Grosvenor, Ranson Gardner, Harvey Eggleston, Joseph Gibbs, Wiram Smith, and Vernon Parks, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Homer and Jonesville Plank Road Company; and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic

and corporate, by the name and style of the Homer and Jonesville Plank Road Company, with corporate succession.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings and appurtenances, from the village of Homer in the county of Calhoun, to the village of Jonesville in the county of Hillsdale, by the way of the village of Litchfield, with the right of uniting said road at any other point with the plank road of any other company. Route.

Sec. 3. The capital stock of said company shall be thirty thousand dollars, to be divided into six hundred shares of fifty dollars each; and said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are made a part of this act. Capital
General provisions.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the Legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of law to which it is subject: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided*, There be no violation of the charter of said company. Duration of
charter.
Repeal.
Proviso.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 1, 1850.

[No. 218.]

AN ACT to incorporate the village of St. Clair.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that part of the township of St. Clair, embraced within the following limits, to wit: commencing at the north-east corner of private claim number three hundred and 276, to Boundaries.

the river St. Clair; thence westerly along the north line of said private claim to the north-west corner of five acre out lot number six; thence southerly along the west line of five acre lots to the south-west corner of five acre out lot number (112) one hundred and twelve; thence east along the south line of five acre lots to the north-west corner of out lot number ten (10;) thence south along the west line of said out lot number ten (10) to Pine river; thence along said river down stream to the south line of said village plat, as engraved by J. G. Darby, of Buffalo, A. D. 1836; thence east along the south line of said village plat to the river St. Clair; thence along said river St. Clair up stream to the place of beginning, be and the same is hereby constituted a town corporate, to be known by the name of the village of St. Clair.

Election.

Officers.

Sec. 2. The electors of said village may meet at some convenient place therein, on the first Monday of May next, and on the first Monday of May in each year thereafter, and proceed to the election, by a plurality of votes, of a president, recorder, six trustees, two assessors, a marshal and treasurer, who shall hold their offices respectively for the term of one year, and until their successors are elected and qualified. And if an election shall not be held the day above named, the said corporation shall not be thereby dissolved, but said election may be held pursuant to notice given therefor as hereinafter prescribed.

**Election;
how conducted.**

Sec. 3. At the first election, before opening the polls, the electors present shall choose, viva voce, two judges and a clerk of said election, who shall take the constitutional oath to discharge their duties; and at all subsequent elections, the president and trustees, or any two of them shall be judges, and the recorder clerk of the election. And at all elections under this act, the polls shall be opened between the hours of nine and ten in the forenoon, and close at five o'clock in the afternoon; and the election shall be conducted, the votes counted, and the result thereof declared publicly to the electors, in the manner prescribed for town elections; and the clerk shall make a record thereof, and within five days after the election notify the persons elected of their election.

Incorporation.

Sec. 4. The president, recorder and trustees shall be the village council, and shall be a body corporate and politic, with perpetual succession, to be known by the name of the President and Trustees

of the village of St. Clair, and may have a common seal, which they may alter at pleasure; may sue and be sued, prosecute and defend, in any court: and when any suit shall be commenced against the corporation, the first process shall be a summons, which shall be served by leaving an attested copy with the recorder or his deputy, at least eight days before the return day thereof.

Sec. 5. The officers of said village, before entering upon their duties, shall take the oath prescribed by the constitution of this State for the faithful discharge of their respective duties. Oath.

Sec. 6. The president shall preside at all meetings of the council and of the village, and in case of his absence the trustees shall choose one of their number to preside in his place; and it shall be the duty of the recorder to attend all such meetings, and keep a full and fair record of all the proceedings thereof, and to appoint a deputy, who, in his absence, shall perform all the duties of the recorder, and for whose acts the recorder shall be liable. Said appointment shall be under the hand and seal of the recorder, and said deputy shall take the above prescribed oath before entering on his duties. Meetings.
Recorder,
his duties.

Sec. 7. The president and trustees shall have power to establish by-laws, rules and regulations for the government of said village, and the same to alter, repeal or re-ordain at pleasure; to provide for the election of any subordinate officers that may be deemed necessary, and to prescribe their duties, and to prescribe the duties of the marshal and treasurer, and the fees they and the recorder shall receive for their services, and fix the necessary security for the performance of their duties; to prescribe reasonable fines and penalties for the violation of the by-laws and regulations of the corporation; to provide for security against fires; to provide for the construction of suitable side-walks, and for the improvement of the streets, lanes and alleys; to provide for the removal of nuisances and obstructions from the side-walks, streets, alleys, commons and all other places within said village: and for the preservation of the public health, they shall be a board of health for said village, and shall have the same powers for said village that township boards of health now have by law in their respective townships; and the recorder shall keep a record General
Powers.

of their proceedings, as such board of health, in the records of said village.

General powers.

Sec. 8. The corporate board of said village shall be subject to and have the privileges and benefits of all general laws prescribing the duties of, or granting powers to, city or village corporations.

Receipts & expenditures to be published.

Sec. 9. The president and trustees shall, once in each year, make out and publish a correct statement of the receipts and expenditures of the preceding year.

Taxes.

Sec. 10. The electors of said village, in legal meeting assembled, shall have the power to levy taxes on all real and personal estate in said village, not exceeding one per cent. upon said real and personal estate in one year, and shall, by viva voce vote, determine at such meetings the amount of said taxes.

Sec. 11. In case the first meeting above provided for shall fail to be held on the day above prescribed, then any five of the electors of said village may call said meeting at any other time, at some convenient place, giving notice thereof as hereinafter provided to be given by the president or senior trustee for other meetings.

Meetings how called.

Sec. 12. All meetings of said village for the election of officers, levying taxes, or for any other purpose, shall be called by the president or senior trustee, (with the exception provided for in section eleven,) by posting up written or printed notices thereof in at least three public places in said village, at least six days before the time of holding said meeting, specifying the time and place of said meeting, and the purpose for which the same was called.

Taxes.

Sec. 13. The president and trustees shall make out a tax roll in duplicate, giving the valuation of the property of said village as assessed by the assessors, with the amount taxed to each taxpayer, and parcel of property assessed and taxed, and shall make the same, as near as may be, similar to township tax rolls; and shall, under their hands and seals, affix a warrant thereto, directing the manner of the collection of said taxes, and shall deliver the same to said marshal, whose duty it shall be to collect said taxes in pursuance of said warrant, and at the time and in the manner prescribed by the by-laws, and shall pay over the same to the village treasurer as the by-laws shall prescribe.

Sec. 14. Said marshal shall have the same power to sell personal estate for the collection of taxes, as is given by law to township treasurers; and for want of personal estate he shall have power to levy upon and sell the real estate upon which the tax is assessed, and shall prosecute and make such sale in the same manner and with the same effect, in all respects, and shall give notice thereof as is provided by law for the sale of real estate on execution: *Provided*, That the first publication of said notice shall be at least three months prior to the day of sale; and any real estate so sold may be redeemed by the owner, or his or their representatives, at any time within two years from the date of sale, on paying to the purchaser, or to the treasurer for the use of the purchaser, the amount for which the same was sold, with ten per cent. interest.

Collection of taxes.

Proviso.

Redemption after sale.

Sec. 15. For the imprisonment of any person liable to imprisonment under the by-laws and ordinances of said village, said village shall have the use of the common jail of St. Clair county; and all persons committed to said jail for any such liability, shall be under the charge of the sheriff of said county, as in other cases.

Jail.

Sec. 16. The president and trustees of said village shall receive no pecuniary compensation or fees for their services under this act, unless the same shall be authorized by the voters of said village, in legal meeting assembled.

Compensation of officers.

Sec. 17. This act shall be received in all courts of justice as a public act, and shall be favorably construed; and no further proof shall be required hereof than is required for any other general law or statute.

Public act.

Sec. 18. This act may be altered, amended or repealed by the Legislature, with the assent of two-thirds of both houses.

Repeal.

Sec. 19. This act shall take effect and be in force from and after its passage.

Approved April 1, 1850.

[No. 219.]

AN ACT to form a Board of Supervisors for the county of Chippewa.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the supervisor of the township of

St. Marys, and two justices of the peace, whose terms of office will first expire, be and they are hereby authorized, and they are hereby required, to perform all the duties now required by law to be performed by the board of supervisors of the several counties of this state.

Sec. 2. Said board, as above constituted, shall be required so to act until there shall be three organized townships in said county.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 1, 1859.

[No. 220.]

AN ACT to incorporate the Sons of Temperance Hall Association of the city of Detroit.

Incorporation

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Halmer H. Emmons, Luther Beecher, Silas M. Holmes, William Phelps, Israel Coe, William Walker, Horace Hallock, B. R. Bagg, E. Farnsworth, and all persons who now are or hereafter may become associated with them, are hereby constituted a body corporate, by the name of the Sons of Temperance Hall Association of the city of Detroit; and by that name shall have succession, and be capable of taking and holding by gift or grant, or of purchasing, holding and conveying by sale, lease or otherwise, any estate, real and personal, necessary for the purposes of said corporation: *Provided always*, That the said corporation shall not at any time hold or possess real and personal estate exceeding in value the sum of twenty-five thousand dollars: *Provided also*, That the said sum shall be exclusively employed for the object stated in the second section of this act: *And also provided*, That said association shall not at any time be empowered to sell or otherwise dispose of their real estate, or any portion thereof, without the consent of two-thirds of all the stockholders, at a meeting called for that purpose, first had and obtained.

Proviso.

Object.

Sec. 2. The object of this association shall be to purchase a site, to erect thereon a convenient edifice for the accommodation of all such divisions of the order of the Sons of Temperance, and all other

temperance associations or meetings, such library and reading rooms, historical and scientific associations, and those for the promotion of arts, and such school, lecture and meeting rooms as to said association shall seem meet and proper: *Provided however,* That if said edifice shall consist of three or more stories, it shall be lawful for the said association to lease the first and second stories thereof for mercantile or other business purposes: *Provided also,* That no part of said edifice shall at any time be let or used for the sale of ardent spirits, wine, beer, cider, or any other spirituous liquors whatsoever. Provide.
Ibid.

Sec. 3. The government of said association and the management of its property and affairs, shall be vested in such officers and according to such rules and regulations as the by-laws thereof shall from time to time ordain: *Provided,* That such by-laws shall not conflict with any laws of this State, nor the constitution of the United States and of this State.

Sec. 4. It shall and may be lawful for the Legislature at any time to demand a statement of the amount of property, real and personal, belonging to the said corporation, and of the debts due to and from said corporation, and the purposes for which disbursements shall have been made; and shall also have the right to authorize one or more persons to inspect such general accounts in the books of said corporation.

Sec. 5. The corporation hereby created shall be subject to all the provisions of, and possess all the powers granted by, chapter fifty-five of the revised statutes of one thousand eight hundred and forty-six, so far as the same are not inconsistent with the provisions of this act.

Sec. 6. Every stockholder of said corporation shall be personally liable to the amount of his stock for the payment of all the debts of said corporation.

Sec. 7. The Legislature may at any time alter or repeal this act.

Sec. 8. This act shall take effect immediately.

Approved April 1, 1850.

[No. 221.]

AN ACT to incorporate the Muskegon Manufacturing Company.

Incorporation:

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That John F. Stearns, Abraham H. Covert, Calvin Page, their associates and successors, are hereby created and duly incorporated for the the term of fifty years, a body corporate, under the name and title of the Muskegon Manufacturing Company, for manufacturing of lumber, lath, shingles, woolen and cotton goods, at the forks of Muskegon river, in the county of Newago and State of Michigan, capable of exercising all the powers, franchises and privileges of a corporation, necessary for the purposes aforesaid, and subject to all the conditions, requirements and privileges specified in chapter fifty-five of the revised statutes: *Provided*, That nothing in this act contained shall confer on said company any powers of banking or brokerage, exchange, dealing in money, purchasing any stock of any bank, or for any other purposes than herein particularly specified.

General provisions.

Proviso.

Officers.

Sec. 2. Said corporation shall have a treasurer, (who shall be a resident of this State, and upon whom service of any process against said company shall be made, and the same shall be deemed a valid service thereof upon said Muskegon Manufacturing Company,) and such other officers, agents and persons in their employ, as the business of the company may require, to be determined by the members of said corporation, and to be appointed in such manner and for such duties and time as the by-laws of said corporation may prescribe. The said company may have a corporate seal, and the treasurer shall be sworn to the faithful performance of his duties.

Capital.

Stock.

Sec. 3. The capital stock of said company shall be one hundred thousand dollars, to be divided into such number of shares as the stockholders or a majority of them shall determine at their first regular meeting; at which meeting the stockholders shall adopt a code of by-laws, with such rules for the issuing of stock certificates, assignments and transfer of the same, the appointment and election of officers and their duties, and for such other purposes, not inconsistent with the laws of this State, as will enable them to carry out the true intent and meaning of this act, as may seem proper and necessary for the carrying on the business of the company. Thirty thou-

said dollars of said capital stock may consist of real estate, which Real estate.
said company is hereby authorized to acquire, hold and convey.

Sec. 4. Any inhabitant of this State shall have a lien upon [the] Lien.
stock and appurtenances and entire property of said company for all
claims or demands less than one hundred dollars, originally made
and contracted within this State, which shall have precedence of all
other claims, judgments or dues, liens or mortgages against said com-
pany.

Sec. 5. The said company shall, within six months after its organ- Business of
ization under the provisions of this act, locate their business office, acc.
which shall be in the county of Newago, and file in the office of the
Secretary of State a certificate specifying the place of location. In
case the treasurer of said company is not found at said office, ser-
vice of all legal process against said company may at any time be
made by leaving a copy thereof at said office. Said company shall at
all times maintain and have an office in said county; and if the loca-
tion of said office is changed, notice thereof shall be filed immediately
with the Secretary of State. For a failure to comply with any of the Fine.
provisions of this section, said company shall be liable to a fine of
one hundred dollars, to be recovered by the party aggrieved.

Sec. 6. All the stockholders of said company shall be severally and Liability.
individually liable to the creditors of said company, to an amount
equal to the amount of stock held by them respectively, for all debts
and contracts made by or for said company, until the whole of their
capital stock shall have been paid in, and a certificate thereof shall have
been made and recorded as prescribed in the following section; and
the capital stock of said company shall be paid in, one-half within
two years, and one-half within four years from the passage of this When stock
act, or said company be dissolved. Nothing but money shall be con- to be paid in
sidered as payment of any part of the capital stock.

Sec. 7. The president and a majority of the trustees or directors Certificate
of said company, within thirty days after the payment of the last in- of payment.
stalment of the capital stock of said company, shall make a certi-
ficate stating the amount of capital so paid in, which certificate shall
be signed and sworn to by the president and a majority of the trus-
tees or directors, and they shall within the said thirty days cause
the same to be recorded in the book of miscellaneous records in the
office of the register of deeds in the said county of Newago.

Dividends. Sec. 8. If said company shall declare and pay any dividend when said company is insolvent, or any dividend the payment of which would render it insolvent, or which would diminish the amount of its capital stock, the stockholders shall be jointly and severally liable for all the debts of the company then existing. The stockholders of said company shall be jointly and severally individually liable for debts that may be due and owing to all their agents, laborers and apprentices, and to all persons in their employ, for services performed for said company.

Liability.

Repeal. Sec. 9. The Legislature may at any time alter, amend or repeal this act; but such amendment shall not, nor shall the dissolution of said company, take away or impair any remedy given against said company, its stockholders or officers, for any liability which shall have been previously incurred.

Sec. 10. This act shall take effect immediately.

Approved April 1, 1850.

[No. 222.]

AN ACT to repeal the act incorporating the village of Ann Arbor.

Repeal. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That act numbered one hundred and twelve, of the session laws of eighteen hundred and forty-six, approved May 7th, 1846, entitled "an act to amend an act entitled 'an act to incorporate the village of Ann Arbor,'" approved April twenty-third, eighteen hundred and forty-three, be and the same is hereby repealed: *Provided,* That the engine house and lot, also the fire engine, owned by said corporation, shall be conveyed by the persons now composing the present common council of said village to the supervisor of the town of Ann Arbor, in trust, for the benefit of any fire company or fire department that may now be in existence or organized in said village; and any other property now owned by said corporation shall be under the control of such person or persons as the persons composing the present common council may designate.

Engine.

Sec. 2. This act shall take effect immediately.

Approved April 1, 1850.

[No. 223.]

AN ACT extending the time in which the county treasurer of St. Clair county may receive returns of taxes collected by the several town treasurers of the townships of Ira and Clay, for the year 1849.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the time for making the returns of taxes collected in the several townships of Ira and Clay, for the year eighteen hundred and forty-nine, be and the same is hereby extended to the twentieth day of April instant. Returns.
Time ex-
tended.

Sec. 2. The county treasurer of St. Clair county is hereby authorized and required to receive the returns from the several treasurers of the townships of Ira and Clay, of taxes collected in said townships for the year eighteen hundred and forty-nine, at any time prior to the twentieth day of April instant; and at any time prior to the first day of May next, to make out, compare, certify and forward to the Auditor General a transcript of such returns, as required by section fifty-nine, chapter twenty, title five, of the revised statutes of eighteen hundred and forty-six. And the Auditor General is hereby authorized to receive the same and dispose thereof as in other cases. Duty of
Treasurer &
Aud. Gen'l.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 1, 1850.

[No. 224.]

AN ACT to provide for the liquidation of a certain demand against the estate of Justus Burdick, deceased.

Whereas, The late Justus Burdick, of Kalamazoo, and A. M. Burdick, his wife, did, on the first day of October, A. D. 1839, execute to the Superintendent of Public Instruction a certain indenture of mortgage upon certain premises in the village and county of Kalamazoo, and described as follows: Beginning at the north-west corner of lot number eighty-one (81) in the village of Kalamazoo in said county, being at the junction of Rose and Main streets, on the west side of Rose street and south side of Main street; thence east by said Main street twenty rods to the west side of Burdick street; Preamble.

Dividends. Sec. 8. If said company shall declare and pay any dividend when said company is insolvent, or any dividend the payment of which would render it insolvent, or which would diminish the amount of its capital stock, the stockholders shall be jointly and severally liable for all the debts of the company then existing. The stockholders of said company shall be jointly and severally individually liable for debts that may be due and owing to all their agents, laborers and apprentices, and to all persons in their employ, for services performed for said company.

Liability.

Repeal. Sec. 9. The Legislature may at any time alter, amend or repeal this act; but such amendment shall not, nor shall the dissolution of said company, take away or impair any remedy given against said company, its stockholders or officers, for any liability which shall have been previously incurred.

Sec. 10. This act shall take effect immediately.

Approved April 1, 1850.

[No. 222.]

AN ACT to repeal the act incorporating the village of Ann Arbor.

Repeal. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That act numbered one hundred and twelve, of the session laws of eighteen hundred and forty-six, approved May 7th, 1846, entitled "an act to amend an act entitled 'an act to incorporate the village of Ann Arbor,'" approved April twenty-third, eighteen hundred and forty-three, be and the same is hereby repealed: *Provided,* That the engine house and lot, also the fire engine, owned by said corporation, shall be conveyed by the persons now composing the present common council of said village to the supervisor of the town of Ann Arbor, in trust, for the benefit of any fire company or fire department that may now be in existence or organized in said village; and any other property now owned by said corporation shall be under the control of such person or persons as the persons composing the present common council may designate.

Engine.

Sec. 2. This act shall take effect immediately.

Approved April 1, 1850.

[No. 223.]

AN ACT extending the time in which the county treasurer of St. Clair county may receive returns of taxes collected by the several town treasurers of the townships of Ira and Clay, for the year 1849.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the time for making the returns of taxes collected in the several townships of Ira and Clay, for the year eighteen hundred and forty-nine, be and the same is hereby extended to the twentieth day of April instant.

Sec. 2. The county treasurer of St. Clair county is hereby authorized and required to receive the returns from the several treasurers of the townships of Ira and Clay, of taxes collected in said townships for the year eighteen hundred and forty-nine, at any time prior to the twentieth day of April instant; and at any time prior to the first day of May next, to make out, compare, certify and forward to the Auditor General a transcript of such returns, as required by section fifty-nine, chapter twenty, title five, of the revised statutes of eighteen hundred and forty-six. And the Auditor General is hereby authorized to receive the same and dispose thereof as in other cases.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 1, 1850.

[No. 224.]

AN ACT to provide for the liquidation of a certain demand against the estate of Justus Burdick, deceased.

Whereas, The late Justus Burdick, of Kalamazoo, and A. M. Burdick, his wife, did, on the first day of October, A. D. 1839, execute to the Superintendent of Public Instruction a certain indenture of mortgage upon certain premises in the village and county of Kalamazoo, and described as follows: Beginning at the north-west corner of lot number eighty-one (81) in the village of Kalamazoo in said county, being at the junction of Rose and Main streets, on the west side of Rose street and south side of Main street; thence east by said Main street twenty rods to the west side of Burdick street;

thence south by said Burdick street to a point eighty rods north of the north side of South street; thence west parallel with said South street twenty rods, to the east side of said Rose street; thence north by said Rose street to the place of beginning, being the same block of lots in said village where said Burdick's mansion house now stands, and lying directly east of the public square in said village, which mortgage was given to secure a certain sum of money with interest therein named, which sum, principal and interest thereon still due and unpaid, will, on the first day of March, A. D. 1850, amount to the sum of six thousand nine hundred and fifty-nine dollars and six cents;

Preamble.

And whereas, The administrators of the estate of said Burdick are desirous that the said debt should be paid and discharged in the manner hereinafter provided; therefore,

Duty of Auditor Gen'l.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Michigan, That whenever and so often as the administrators of the estate of said Burdick shall execute and deliver to the Auditor General a deed of any part or parcel of said mortgaged premises, sufficient in law to vest in the people of the State of Michigan, a clear, absolute and indefeasible title in fee simple in and to the same, and shall also propose to the Auditor General a purchaser for the same, at a price satisfactory to said officer, the said Auditor General is hereby authorized to enter into a contract of sale for any such part or parcel of said premises, and upon the payment to him by the purchaser of at least twenty-five per cent. of the agreed price, may execute to the purchaser a certificate of sale of like nature as is authorized to be executed upon the sale of primary school lands; and the amount for which any such part or parcel of said premises shall be contracted to be sold as aforesaid, shall be thereupon endorsed as a payment upon said mortgage, and upon the bond to which said mortgage is collateral.]

END.

Sec. 2. That whenever a sufficient number of sales have been made as aforesaid, to pay and discharge the said sum of six thousand nine hundred and fifty-nine dollars and six cents, and interest thereon, calculated from the first day of March, 1850, at the rate of seven per centum per annum, the Auditor General is authorized and directed to execute a proper release of any of the said mort-

gaged premises remaining unsold, and to cancel and discharge said bond: *Provided always*, That the Auditor General shall in no case make any sale which will in his judgment impair the security afforded by said mortgage, for the portion of indebtedness which shall remain unpaid. Proviso.

Sec. 3. Whenever the said administrators shall conclude to propose to the Auditor General a purchase as aforesaid, they shall submit to the judge of probate for Kalamazoo county a description of the part or parcel proposed to be sold, as well as the price offered for the same; and it shall be the duty of said judge of probate to inquire whether the proposed sale will be for the advantage of those interested in the estate of the said Burdick; and if the said judge of probate shall determine favorably thereto, he shall authorize said administrators to execute a deed of such part or parcel of said mortgaged premises; and such deed, when duly delivered, shall vest in the people of the State of Michigan and their assigns forever, a clear and absolute title in fee simple in and to said part or parcel of said premises: *Provided*, That nothing herein contained shall be construed to affect the rights of any person claiming under any conveyance heretofore executed by said Burdick. Duty of Judge of Probate.

Sec. 3. This act shall take effect from and after its passage.

Approved April 1, 1850.

[No. 225.]

AN ACT to repeal section 26 of chapter 30 of the revised statutes of 1846.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section twenty-six of chapter thirty of the revised statutes of eighteen hundred and forty-six, be and the same is hereby repealed.

Sec. 2. This act shall take effect immediately.

Approved April 2, 1850.

LAWS OF MICHIGAN.

[No. 226.]

AN ACT authorizing the Board of Auditors of the county of Wayne to build certain Bridges.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Board of Auditors for the county of Wayne be and they are hereby authorized to contract and pay for the erection of a bridge across the River Ecorse in the township of Ecorse, and also across the Reauls Creek on the Ann Arbor road, (commonly called the river road, leading from Detroit to Plymouth Corners,) in the township of Greenfield in said county, under the existing provisions of law, limiting the amount to be levied and raised for such purposes in any one year.

Approved April 1, 1850.

[No. 227.]

AN ACT changing the terms of the County Courts in the counties of Mackinac, Sanilac and Lapeer.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the terms of the county court in the county of Mackinac shall be held on the fourth Tuesdays in May, August, November and February; in the county of Sanilac on the first Tuesdays of March, June, September and December; and in the county of Lapeer on the third Tuesdays of said last named months, instead of at the times now prescribed by law for holding said courts in the above named counties.

Approved April 1, 1850.

[No. 228.]

AN ACT relative to conveyances in the City of Detroit.

Preamble.

Whereas, Many or most of the conveyances of lots in the city of Detroit, made and executed by the late Governor and Judges of the Territory of Michigan, were made without any acknowledgment by the said Governor and Judges as required by the law of the time, requiring conveyances in general to be acknowledged to entitle them to be recorded;

And whereas, Many or most of those conveyances have been re-
 corded in the proper registry of the county of Wayne, or of the
 city of Detroit as heretofore existing, and now remain of record in
 the said county registry;

And whereas, Many of said original conveyances have, by time, and
 accident or otherwise, been lost, or are out of the possession or con-
 trol of those owning and claiming the said lots; therefore,

Section 1. *Be it enacted by the Senate and House of Representatives*
of the State of Michigan, That all deeds and conveyances of lots or
 lands in the city of Detroit by the late Governor and Judges of the
 late territory of Michigan, that have heretofore been recorded in the
 registry of deeds of the county of Wayne or the city of Detroit, the
 record of said deeds, or a certified copy thereof by the register of
 deeds of the county of Wayne, may be used and read in evidence in
 all courts and places with the same force and effect as if the original
 deeds or conveyances from the said Governor and Judges were pro-
 duced and proved: *Provided,* It shall first be made to appear that
 such original deed or deeds have been lost or destroyed.

Deed may
 be used in
 evidence.

Sec. 2. This act shall take effect from and after its passage.

Approved April 1, 1850.

[No. 229.]

AN ACT to incorporate the Ypsilanti and Mooreville Plank Road
 Company.

Section 1. *Be it enacted by the Senate and House of Representatives*
of the State of Michigan, That Jonathan R. Bowers, Arden H. Bal-
 lard and George W. Skinner, be and they are hereby appointed
 commissioners, under the direction of a majority of whom subscrip-
 tions may be received to the capital stock of the Ypsilanti and Moore-
 ville Plank Road Company; and the subscribers thereto, with
 such other persons as shall associate with them for that purpose,
 their successors and assigns, shall be and they are hereby created a
 body politic and corporate, by the name and style of the Ypsilanti
 and Mooreville Plank Road Company, with corporate succession.

Incorporation.

Sec. 2. Said company hereby created shall have the power to lay
 out, establish and construct a plank road, and all necessary build-
 ings.

ings, from the village of Ypsilanti in the county of Washtenaw, through to Mooreville in said county, with the privilege of uniting said road at any point with the plank road of any other company.

Capital. Sec. 3. The capital stock of said company shall be thirty thousand dollars, in twelve hundreded shares of twenty-five dollars each.

Duration of charter. Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the Legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided*, There be no violation of the charter of said company.

Subject to general laws Sec. 5. Said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are made a part of this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 1, 1850.

[No. 230.]

AN ACT to release to Mrs. Margaret Moore the interest of the State in a certain lot in the city of Detroit.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all the interest which has accrued or may hereafter accrue to the people of this State to the property hereinafter described, by reason of the death of Michael Kenby, be and the same is hereby released and transferred to Mrs. Margaret Moore, the late widow of said Kenby, and to her heirs and assigns forever; being lot number fifty-five, (55) south side of Larned street, be-

between Hastings and Rivard streets, on the Louis Moran farm, so called, in the city of Detroit; but nothing herein contained shall prejudice the rights of any person acquired as a creditor, or as a bona fide purchaser, or by descent, before this act shall take effect.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1850.

[No. 231.]

AN ACT to change the name of the village of Mt. Pleasant to Long Lake, and to vacate a part of the plat thereof.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section two of the plat of the village of Mount Pleasant in the county of Genesee, and the streets and alleys running through and adjoining said section, be and the same are hereby vacated. Streets vacated.

Sec. 2. The provisions of the foregoing section of this act shall not in any manner affect the rights or interests of the purchasers or owners of lots lying upon any of the streets and alleys aforesaid, unless the owners of said section and the lots lying upon said streets and alleys, shall file in the office of the register of deeds for said county their assent to the vacation of said section, streets and alleys; such assent to be in writing, and acknowledged in the same manner as a deed, and the same may be recorded and the record thereof be given in evidence in the same manner and with like effect as a deed duly acknowledged and recorded. Assent of owners.

Sec. 3. That the name of said village be and the same is hereby changed to Long Lake, and by that name it shall hereafter be known and designated; and it shall be sufficient in all proceedings in law or equity, and in all deeds and conveyances of any portion of the plat of said village, to designate the same as the plat of the village of Long Lake. Name changed.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 1, 1850.

[No. 232.]

AN ACT for establishing a certain road in the county of Branch.

Commissioners; their duties. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Libeus Roe, Alexander E. Tomlinson, Benjamin Ferris, be and they are hereby appointed commissioners, with authority to lay out within one year from the passage of this act, a public road in the county of Branch, four rods in width, *Route.* commencing at the south-east quarter of section number twenty, in township five south of range eight west, in said county, and running from thence north forty-two chains; from thence north, forty-two and a half degrees west, eleven chains, to the centre of the highway leading from the village of Centreville to the village of Union City.

Damages. Sec. 2. All the provisions of chapter twenty-two of title seven of the revised statutes of eighteen hundred and forty-six, so far as the same relate to the settlement of damage sustained by any owner of land through which a highway may be laid by town commissioners, and also of the record to be made of the laying out of such highway, shall apply to and be in force in the laying out of said road, except that the commissioners appointed by this act shall officiate in the stead of the highway commissioners of the township of Sherwood in said county, in carrying into effect said provisions.

State not liable. Sec. 3. The State shall in no manner be made liable for any of the expenses attending the laying out and establishing said road.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 1, 1850.

[No. 233.]

AN ACT requiring the Auditor General of the State to cancel certain securities executed to him under the general banking law.

Aud. Gen'l shall cancel. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the Auditor General of the State be and he is required to cancel as hereinafter directed any and all bonds and mortgages executed to said Auditor General for and in behalf of the people of this State, under an act entitled "an act to organize

and regulate banking associations," approved March fifteenth, eighteen hundred and thirty-seven, and an act amending said act, entitled "an act to organize and regulate banking associations, and for other purposes," approved December thirtieth, eighteen hundred and thirty-seven, which bonds and mortgages were executed to the Auditor General as collateral security for the payment of debts of any association organized under said acts, or either of them, after all the other liabilities of such associations shall fail, or prove to be insufficient for that purpose.

Sec. 2. That every such bond and mortgage shall be cancelled by ^{How cancelled.} the Auditor General's writing across the face thereof the word "cancelled," with the date of such cancellation, and subscribing his name thereto, on the request of any individual who has executed such bond or mortgage, or his executors or administrators, or of any person who has a title to any part of the real estate covered by said mortgage by descent or purchase from any mortgagor; and when so cancelled, shall be delivered to the person or persons requiring such cancellation.

Sec. 3. That on the presentation of any mortgage, so cancelled as ^{To be re-} aforesaid, to the register of deeds of any county where said mortgage has been recorded, it shall be the duty of said register to cancel the record of said mortgage.

Sec. 4. That when there is more than one obligor or mortgagor to ^{Ibid.} said bond or mortgage, and all of them do not apply to the Auditor General for such cancellation, the person or persons requiring such cancellation, and to whom such bond or mortgage shall be delivered, shall give a receipt therefor to the Auditor General; and in case of a mortgage, it shall be the duty of the person giving such receipt to cause the record of such mortgage to be forthwith cancelled in each and every county where the mortgaged premises or any part thereof are situated and said mortgage has been recorded:

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 1, 1850.

[No. 234.]

AN ACT to incorporate the Kalamazoo and Breedsville Plank Road Company.

Incorporation. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That D. B. Webster, B. Drake, T. P. Sheldon and M. Hannahs, be and they are hereby appointed commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the Kalamazoo and Breedsville Plank Road Company; and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Kalamazoo and Breedsville Plank Road Company, with corporate succession.

Route. Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings and appurtenances, from the village of Kalamazoo in the county of Kalamazoo, to the village of Breedsville in the county of Van Buren, with the right of uniting said road at any other point with the plank road of any other company.

Capital. Sec. 3. The capital stock of said company shall be thirty thousand dollars, to be divided into six hundred shares of fifty dollars each; and said Company shall be subject to all general laws of this State now in force relative to plank roads, and the same are made a part of this act.

General provisions. **Duration of charter.** Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the Legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of law to which it is subject: *Provided*, That after said thirty years no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided*, There be no violation of the charter of said company.

Repeal.

Proviso.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 1, 1850.

[No. 235.]

AN ACT to amend an act entitled an act to incorporate the Jackson County Mutual Fire Insurance Company, passed April first, A. D. eighteen hundred and forty.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act to incorporate the Jackson County Mutual Fire Insurance Company, approved April first, eighteen hundred and forty, be and the same is hereby amended by adding the following sections to said act:

Sec. 2. That if any person or persons who shall become members of said company by effecting insurance therein after the passage of this act, their heirs, executors, administrators or assigns shall neglect or refuse the payment of any assessment or assessments duly ordered by the directors of said company for the space of thirty (30) days after notice that the same have become due and payable, the party so in default shall be excluded and debarred from and shall lose all benefit and advantage of his, her or their insurance or insurances respectively for and during the term of such default or non-payment, and notwithstanding shall be liable to pay all assessments that shall be made during the continuance of his, her or their policy of insurance, pursuant to the provisions of the act to which this is an amendment.

Forfeiture for neglect to pay assessment.

Sec. 3. Said company are hereby further empowered to make insurance on property for one year or less, and receive payment therefor, on such terms and for such per cent. as said company may determine; and all money so received shall accrue to the mutual benefit of the members of said company in the same manner as money received on premium notes.

Terms of insurance.

Sec. 4. As soon as the directors of said company can lawfully be reduced to seven, then and thereafter the number of directors of said company shall be seven and no more; and no election shall hereafter be held for any director or directors so as to cause the number thereof to be over seven.

Directors.

Certificate
of secretary
prima facie
evidence.

Sec. 5. Whenever an assessment is made on any premium note, given to the Jackson County Mutual Fire Insurance Company for any hazard taken by said company, or as consideration for any policy of insurance issued, or to be issued by said company, and an action is brought for the recovery of such assessment, the certificate of the secretary of said company, under the seal of said company, specifying such assessment and the amount due to said company, on such note, by means thereof, shall be taken and received as prima facie evidence thereof in all courts and places whatever.

Sec. 6. This act shall take effect immediately.

Approved April 1, 1850.

[No. 236.]

AN ACT to incorporate the Walker and Vergennes Plank Road Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Joseph Penny, William S. Waring, John B. Shear, William A. Richmond and Harvey P. Yale, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Walker and Vergennes Plank Road Company; and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Walker and Vergennes Plank Road Company, with corporate succession.

Route.

Sec. 2. Said Company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings and appurtenances, from the town of Walker in the county of Kent, to the town of Vergennes in the county of Kent, with the right of uniting said road at any other point with the plank road of any other company.

Capital.

Sec. 3. The capital stock of said company shall be thirty thousand dollars, to be divided into one thousand two hundred shares of twenty-five dollars each; and said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are made a part of this act.

General provisions.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the Legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of law to which it is subject: *Provided*, That after said thirty years, no alteration or re-duction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten percent. on the capital stock invested: *Provided*, There be no violation of the charter of said company.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 1, 1850.

[No. 237.]

AN ACT to vacate a portion of a certain street in the village of Owasso in the county of Shiawassee.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that part of Exchange street in the village of Owasso, (as laid down in the recorded plat thereof,) which lies west of Water street in said village, be and the same is hereby vacated.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1850.

[No. 238.]

AN ACT to repeal act No. 105 of the session of A. D. 1849, and to establish the dividing line between the townships of China and St. Clair, in the county of St. Clair.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Act No. 105 of the session laws of 1849, be and the same is hereby repealed.

Sec. 2. That all that part of the township of China that is included within the incorporation limits of the village of St. Clair, be and the same is hereby attached to the township of St. Clair for township purposes.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 1, 1850.

[No. 239.]

AN ACT to amend an act entitled an act to incorporate the village of Hillsdale, approved March 16, 1847.

Sec. 13 of
act No. 52
of 1847 a-
mended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act entitled "an act to incorporate the village of Hillsdale," approved March 16, 1847, be and the same is hereby amended as follows: after the word "dollars," in the ninth line of section 13, insert "except upon a vote of the electors of said village, taken at the annual meeting, immediately after the closing of the polls, or at a special meeting, called upon a notice, as provided for the annual meetings, in which notice the object of the meeting shall be stated; and not to exceed six hundred dollars with such vote." And after the word "dollars," in the tenth line of section 18, insert "except upon a vote of the electors of said village, taken at the annual meeting, immediately after the closing of the polls, or at a special meeting, called upon a notice, as provided for the annual meetings, in which notice the object of the meeting shall be stated."

Sec. 18 a-
mended.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1850.

[No. 240.]

AN ACT to incorporate the Grand Rapids Manufacturing Company.

incorpora-
tion.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Truman H. Lyon, Daniel Ball, W. A. Richmond, John T. Pittman and Frederick D. Richmond, their associates

and successors, are hereby created and duly incorporated for the term of fifty years, a body corporate under the name and title of the Grand Rapids Manufacturing Company, for the purpose of manufacturing woolen and woolen cloths, and cotton and cotton cloths, at the Rapids of Grand river in the county of Kent and State of Michigan, capable of exercising all the powers, franchises and privileges of a corporation, necessary for the purposes aforesaid, and subject to all the conditions, requirements and privileges specified in chapter fifty-five of the revised statutes. General provisions.

Sec. 2. Said corporation shall have a treasurer, (who shall be a resident of this State, and upon whom service of any process against said company shall be made, and the same shall be deemed a valid service thereof upon said Grand Rapids Manufacturing Company,) and such other officers, agents and persons in their employ, as the business of the company may require, to be determined by the members of said corporation, and to be appointed in such manner and for such duties and time as the by-laws of said corporation may prescribe. The said company may have a corporate seal, and the treasurer shall be sworn to the faithful performance of his duties. Officers.

Sec. 3. The capital stock of said company shall be one hundred thousand dollars, to be divided into such number of shares as the stockholders or a majority of them shall determine at their first regular meeting; at which meeting the stockholders shall adopt a code of by-laws with such rules for the issuing of stock certificates, assignments and transfer of the same, the appointment and election of officers and their duties, and for such other purposes, not inconsistent with the laws of this State, as will enable them to carry out the true intent and meaning of this act, as may seem proper and necessary for the carrying on the business of the company. Forty thousand dollars of said capital stock may consist of real estate, which said company is hereby authorized to acquire, hold and convey. Capital.
Stock.
Real estate.

Sec. 4. Any inhabitant of the State shall have a lien upon [the] stock and appurtenances and entire property of said company for all claims or demands less than one hundred dollars, originally made and contracted within this State, which shall have precedence of all other claims, judgments or dues, liens or mortgages against said company. Lien.

File certificate.

Sec. 5. The said company shall, within six months after the organization thereof under the provisions of this act, locate their business office, which shall be in the county of Kent, and file in the office of the Secretary of State a certificate specifying the place of location. In case the treasurer of said company is not found at said office, service of all legal process against said company may at any time be made by leaving a copy thereof at said office. Said company shall

Business office.

at all times maintain and have an office in said county; and if the location of said office is changed, notice thereof shall be filed immediately with the Secretary of State. For a failure to comply with any of the provisions of this section, said company shall be liable to a fine of one hundred dollars, to be recovered by the party aggrieved.

Fine.

Liability.

Sec. 6. All the stockholders of said company shall be severally and individually liable to the creditors of said company, to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by or for said company, until the whole of their capital stock shall have been paid in, and a certificate thereof shall have been made and recorded, as prescribed in the following section; and the capital stock of said company shall all be paid in, one-half within one year, and one-half within two years from the passage of this act, or said company be dissolved. Nothing but money shall be considered as payment of any part of the capital stock.

Dissolution of company.

Certificate to be recorded.

Sec. 7. The president, and a majority of the trustees or directors of said company, within thirty days after the payment of the last instalment of the capital stock of said company, shall make a certificate, stating the amount of capital so paid in, which certificate shall be signed and sworn to by the president and a majority of the trustees or directors, and they shall, within the said thirty days, cause the same to be recorded in the book of miscellaneous records in the office of the register of deeds in the said county of Kent.

Dividends.

Sec. 8. If said company shall declare and pay any dividend when said company is insolvent, or any dividend, the payment of which would render it insolvent, or which would diminish the amount of its capital stock, the stockholders shall be jointly and severally liable for all the debts of the company then existing. The stockholders of said company shall be jointly and severally individually liable for debts that may be due and owing to all their agents, laborers and

Liability.

apprentices, and to all persons in their employ, for services performed for said company.

Sec. 9. The Legislature may at any time alter, amend or repeal ^{Repeal.} this act; but such amendment shall not, nor shall the dissolution of said company, take away or impair any remedy given against said company, its stockholders or officers, for any liability which shall have been previously incurred.

Sec. 10. This act shall take effect immediately.

Approved April 1, 1850.

[No. 241.]

AN ACT to legalize certain highways in the townships of Groveland and Holley in the county of Oakland.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That a certain highway in the townships of Groveland and Holley in the county of Oakland, commencing at the north-west corner of section sixteen in town five north of range seven east; thence north, eighty-seven degrees east, eighty chains, according to the United States survey; thence north, eighty-seven degrees east, forty-one chains and seventy links; thence south, seventy-one degrees east, sixteen chains; thence south, fifty-five degrees east, twenty-six chains; thence north, eighty-three degrees east, twenty chains and forty-eight links; thence north, fifty-three and a half degrees east, nineteen chains and fifty-four links; thence north, sixty degrees east, five chains and sixty-seven links; thence north, seventy-eight degrees east, three chains and eighty-two links; thence north, fifteen degrees east, seven chains and forty links; thence north, eighty-seven degrees east, fifty-two chains and forty-six links; thence north, fifty-one degrees east, forty-six chains and eighty-six links; thence north, eighty-five degrees east, twenty chains and twenty-five links; thence north, fourteen degrees east, two chains and thirteen links, to the east line of said township; thence north, fourteen degrees east, fifteen chains and — links, to the centre of the United States road, (or Saginaw turnpike,) in town five north of range eight east, in the county of Oakland, be and the same is hereby legalized to all intents and purposes, and the same shall be and is

hereby made the true and correct record of said road, the same as though it had been properly laid out and recorded according to the statutes in such case made and provided.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1850.

[No. 242.]

AN ACT to amend chapter thirty-five of the revised statutes of eighteen hundred and forty-six.

Sec. 6 a-
mended

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section six of chapter thirty-five of the revised statutes of eighteen hundred and forty-six, be and the same is hereby amended as follows: Strike out all after the word "be," in the sixth line of said section, and insert in the place of the words stricken out, the following: "certified to the town board by the board of health, and by the town board provided for as a part of the contingent expenses of the township."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1850.

[No. 243.]

AN ACT to incorporate the Clinton Institute.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That from and after the passage of this act, Abner C. Smith, William Jenny, John Stephens, Horace H. Cady, John J. Traver and David Shook, of the county of Macomb, and their successors, be and they are hereby constituted, ordained and declared a body corporate and politic, under the name and style of "the Clinton Institute;" and by that name they and their successors shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts of record whatever, and all manner of suits, actions,

General
powers.

complaints, matters and causes whatever; and that they and their successors may have a common seal, and change and alter the same at their pleasure; and that they and their successors, by the name of the "Clinton Institute," shall be in law capable of acquiring and holding, by purchase, gift or otherwise, and of selling, conveying or leasing, real, personal or mixed estate, for the use of said corporation, not exceeding ten thousand dollars; and that they and their successors shall have full power to make and enter into contracts, to make such rules and by-laws as they may deem necessary for the good government and prosperity of said institution: *Provided*, Such by-laws are not inconsistent with the constitution and laws of the United States or of this State.

Sec. 2. Said corporation shall have power to establish at or near the village of Mt. Clemens in the county of Macomb, an institution for the instruction and education of young persons. General powers.

Sec. 3. There shall be six trustees of the said corporation, who shall be stockholders thereof, and who shall manage and control all the affairs of the same; and the above named persons shall be the first trustees, and shall hold their offices until the first Monday in July, one thousand eight hundred and fifty, and until others are elected in their places; and they or their successors shall have power to fill all vacancies in their own body which may happen by death, resignation, or otherwise; to appoint a president, secretary and treasurer of their own body, and to prescribe such studies and regulations in said institution as to them may seem best. Trustees.

Sec. 4. There shall be a meeting of the stockholders of said corporation on the first Monday in July, one thousand eight hundred and fifty, and on the first Monday in July in every succeeding year, at some convenient place in the village of Mt. Clemens, to be designated by the by-laws of said corporation; and a majority of the stockholders who shall meet in person or by proxy, shall, at their first annual meeting, elect six trustees, who shall immediately be divided by lot into three classes; the first class to hold their offices one year, the second two years, and the third three years; so that thereafter there shall be two trustees elected annually; each trustee so elected to hold his office until his successor shall have been elected. Annual meetings. Election & terms of office.

Sec. 5. The capital stock of said company shall be one thousand dollars, in shares of ten dollars each; and the trustees are hereby Capital.

authorized to receive subscriptions thereto, at such times and places as they or a majority of them shall designate; said shares to be assignable and transferrable agreeably to such by-laws as the trustees may from time to time establish, and shall in law be considered personal property.

Liability. Sec. 6. The trustees of said corporation shall be jointly and severally liable for all debts of the said corporation: *Provided*, That no execution shall issue against the individual property of said trustees until the property of the corporation shall first have been exhausted: *And provided further*, That any trustee resigning, shall not thereby be released from any liability accrued during the period which he was in office, until a responsible successor shall be appointed and enter upon the discharge of his duties.

Report. Sec. 7. The board of trustees shall cause to be transmitted to the Superintendent of Public Instruction, annually, on or before the tenth day of November, a full statement of the condition of the institute.

Repeal. Sec. 8. This act may be amended or repealed at any time by a vote of two-thirds of any future Legislature.
Approved April 1, 1850.

[No. 244.]

AN ACT to incorporate the Union Hall Association of the city of Monroe.

Incorporation. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That W. P. Clarke, W. H. Boyd, Samuel Acker, D. B. Miller, P. S. Underhill, Isaac Lewis, B. F. Fifield, J. M. Sterling and Alexander Ragan, and all persons who now are or hereafter may become associated with them, are hereby constituted a body corporate, by the name of the Union Hall Association of the city of Monroe; and by that name shall have succession, and be capable of taking and holding by gift or grant, or of purchasing, holding and conveying by sale, lease or otherwise, any estate, real and personal, necessary for the purposes of said corporation: *Provided always*, That the said corporation shall not at any time hold or possess real and personal estate exceeding in value the sum of ten thousand dollars: *Provided also*, That the said sum shall be exclu-

Powers.

Provisions.

vively employed for the object stated in the second section, of this act: *And also provided*, That the said association shall not at any time be empowered to sell or otherwise dispose of their real estate, or any portion thereof, without the consent of two-thirds of all the stockholders, at a meeting called for that purpose, first had and obtained.

Sec. 2. The object of this association shall be to purchase a site Objects of association. and to erect thereon a convenient edifice for the accommodation of all such orders and associations, and all such library and reading rooms, historical and scientific associations, and those for the promotion of arts, and such school, lecture and meeting rooms as to said association shall seem meet and proper: *Provided however*, That if Provide. said edifice shall consist of three or more stories, it shall be lawful for the said association to lease the first and second stories thereof for mercantile or other business purposes: *Provided also*, That no part of said edifice shall at any time be let or used for the sale of ardent spirits, wine, beer, cider, or any other spirituous liquors whatsoever.

Sec. 3. The government of said association, and the management Officers and by-laws. of its property and affairs, shall be vested in such officers, and according to such rules and regulations as the by-laws thereof shall from time to time ordain: *Provided*, That such by-laws shall not conflict with any law of this State and the Constitution of the United States and of this State.

Sec. 4. It shall and may be lawful for the Legislature at any Report. time to demand a statement of the amount of property, real and personal, belonging to the said corporation, and of the debts due to and from said corporation, and the purposes for which disbursements shall have been made; and shall also have the right to authorize one or more persons to inspect such general accounts in the books of said corporation.

Sec. 5. The said corporation shall possess the general powers General powers. granted to corporations, for the purposes mentioned in this act; and in the name of its corporate title may sue and be sued.

Sec. 6. The stockholders of said association shall be severally lia- Liability. ble for all the debts of said association, to an amount equal to the amount of their stock.

Repeal.

Sec. 7. The Legislature may at any time alter or repeal this act.

Sec. 8. This act shall take effect immediately.

Approved April 1, 1850.

[No. 245.]

AN ACT to amend an act to incorporate the village of Kalamazoo,
and the acts amendatory thereto.

Boundaries.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that tract of country situate in the county of Kalamazoo, and designated on the plats in the land office of the western district as that part of section fifteen south of the north half quarter line, and west of the Kalamazoo river; the east half of section sixteen south of the north half quarter line; the north-east quarter of section twenty-one, and the north half of section twenty-two, lying north and west of the Portage Creek, except therefrom the farm owned and occupied by Epaphroditus Ransom, and including the burying ground on the north-west corner of the south-west quarter of section twenty-two, in town two south of range eleven west, be and the same is hereby constituted a village, corporate, under the name of the village of Kalamazoo.

Election.

Sec. 2. The electors of said village shall meet at such time and place as shall be designated by the trustees, on the second Monday in April of each year, and there by by ballot shall elect by a plurality vote, seven trustees for the ensuing year, and until their successors

Trustees.

are elected and qualified; and a majority of the trustees shall constitute a board for the transaction of business, and a less number may adjourn from time to time; but if an election of trustees shall not be made on the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be dissolved; and it shall be lawful to hold such election at any time thereafter, public notice being given as prescribed hereinafter for the holding of the regular election.

Election;
notice, and
how con-
ducted.

Sec. 3. It shall be the duty of the clerk to give at least five days notice of the time of holding an election, either by posting written or printed notices in five of the most public places in said village, or by causing the same to be published in some paper printed in the

village; and at all the elections the polls shall be opened at nine o'clock in the forenoon and closed at four in the afternoon; (but they may be closed earlier if the board so direct: *Provided*, Notice is duly given in the original notice of election;) and at the close of the polls the ballots shall be counted and a true statement thereof proclaimed to the electors present; and the clerk shall make a true record thereof, and within five days give notice to the persons elected, who shall enter upon their duties on the ensuing Monday.

Sec. 4. Any two of the trustees may be judges of the election, ^{Election, &c} and the clerk of the village (or his substitute) shall be clerk of the election, and the judges and clerk shall take an oath, to be administered by either of the others, to faithfully and honestly discharge their duties as judges or clerk of election; and said board shall have full powers to preserve the purity of the ballot box as allowed to township boards.

Sec. 5. Each one of the trustees, before he enters upon the duties of ^{Oath.} his office, and in the presence of the board of trustees, shall take oath or affirmation, which may be administered by any trustee present, to support the constitution of the United States and of this State, and that he will faithfully and impartially discharge the duties of the office of trustee of said village, according to the best of his ability; and it shall be the duty of the trustees, on their being duly qualified, to elect one of their number as president of said village, whose ^{President.} duty it shall be to preside at all meetings of the board of trustees; but in case of his absence any trustee may be appointed by the trustees present to preside at such meeting; and it shall likewise be their duty to appoint a village clerk, to attend all meetings of the board, ^{Clerk.} keep a fair and accurate record of their proceedings, and perform such other duties as shall be assigned him by the by-laws and ordinances of the village.

Sec. 6. The president and trustees of said village shall be a body ^{Incorporation.} corporate and politic, with the same powers as township boards, in addition to those hereinafter granted, under the name of the president and trustees of the village of Kalamazoo; and may have a common seal which they may alter at pleasure; and may purchase and hold real estate for the use of said village, and at any time sell and convey the same; and may sue and be sued, defend and be de-

fended in any court; but when any suit shall be commenced against the corporation, the same shall be commenced by summons, an attested copy of which shall be served upon the president of the village at least five days before the return day thereof.

General
powers.

Sec. 7. The board of trustees shall have power to ordain and establish by-laws, rules and regulations, and the same to alter and repeal at pleasure, for the following purposes: For the election or appointment of a treasurer, three assessors, a marshal, and such other officers for said village as they may deem necessary; concerning the corporate property and public places and buildings of said village as they shall deem necessary and right for the preservation and maintenance thereof; to regulate the police thereof; to preserve the public peace; to prevent riots, disturbances and disorderly assemblages; to appoint watchmen and policemen, and organize a fire department; to define their duties and prescribe penalties for their delinquencies; to restrain vagrants, mendicants and all other disorderly persons; to suppress and restrain disorderly and gaming houses, billiard tables and other devices and instruments of gaming; and shall have the exclusive power and authority to license such persons as tavern keepers, common victuallers, and retailers of spirituous and fermented liquors, as they shall deem best; but no license shall be in force except during the life of the board granting it; and to prevent the sale of liquor in less quantity than twenty-eight gallons in the corporate limits; to prevent and punish immoderate riding or driving in the streets; to abate and remove nuisances; to prevent the encumbering the streets, walks, alleys, public grounds, in any manner whatever; to regulate the storage of powder, lumber or other combustible material; to prevent the use of fire-arms, slung-shots and other weapons or fire-works; to construct and regulate markets, the vending of poultry, meats, vegetables, fruits and fish; to regulate the sale of hay, wood, lime, lumber, coal; to regulate the gauging of vessels containing liquor; the sealing of weights and measures; to maintain and regulate pounds, and to provide for the restraint of horses, cattle, dogs, sheep, swine, mules and other animals, geese or other poultry; to regulate and license cartmen, porters, hacks, cabs, and to regulate their rates of compensation; to prevent runners from soliciting travelers; to construct hydraulic works to supply the vil-

Licenses.

Markets.

Hydraulic
works.

lage with water, to light the streets; to borrow money for public improvements, not exceeding one thousand dollars in any one year; to establish wells and cisterns, and prevent the waste of water; to prevent bathing in the public streams; to regulate cemeteries and the burial of the dead, and the return of the bills of mortality; to ascertain, establish and settle the boundaries of all the streets and alleys; to establish grades therefor, and to prevent and remove encroachments and obstructions thereon; to regulate the building of partition and other fences; to purchase and keep in order fire engines and other fire apparatus, and to construct buildings to store them; to cause each building occupied as a house, store or shop, to be provided with fire-buckets and ladders; to prescribe the erection and cleansing of stove-pipes and chimneys; to guard against fires; to regulate the duties, powers and fees of the village officers; to prescribe the setting of posts and shade trees; to provide for the construction of side walks and repairing the same; to grade the walks, streets, alleys, and to prescribe the manner of working, planking or paving them, and the expense to be assessed on the lots in front of which either or all of said improvements shall be made; but no one of said improvements shall be made unless the individuals owning one-half of the property to be assessed for the same improvement shall petition the president and trustees for that purpose; to keep in repair the public highways, bridges and culverts; to construct and repair sewers; to lay out new streets and alleys, and extend those already laid out, under the restrictions hereinafter mentioned; to vacate streets and alleys; to prescribe the levying and collection of the highway and other taxes; to restrain the running at an immoderate rate locomotives and cars in the limits of the village; to regulate grades of rail or plank roads; to regulate theatres, shows, concerts, &c.; to regulate the covering of mill races at the expense of the owners thereof; to rail and curb all walks at the expense of the owners of the lots; to levy taxes on all personal and real estate within the limits of the village, except property belonging to the village, town, county or State; excepting also places of public worship belonging to any church or congregation, and all school houses; to take the land of any individual for the purpose of constructing, widening or extending streets, but not until said individual shall be

Grades &c.

Fire apparatus.

Sewers, bridges, &c.

Shows.

Levy tax, &c.

Widening streets.

Fines and
penalty co.

paid the value thereof, and of all buildings upon said land, and all damages he will sustain as hereinafter mentioned; for the violation of any by-laws, rules and regulations, such reasonable penalties and fines may be imposed by the law itself as the said board of trustees may deem proper; and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice in the township of Kalamazoo; and any interest the inhabitants of the village of Kalamazoo, as a corporate body, may have in the fine and penalty to be recovered, shall not disqualify any inhabitant of said village to try said cause or serve as juror or be a witness thereon; and the circuit court of the county shall also have jurisdiction over all fines and penalties imposed by said by-laws.

Taxes.

Sec. 8. All taxes levied upon real estate, and all assessments made thereon, for opening, widening, continuing, paving, grading, plank-ing or repairing a street or alley, or making and repairing side walks, shall remain a lien upon said estate until paid.

Statement
of receipts
and expen-
ditures pub-
lished.

Sec. 9. The president and trustees shall, at the expiration of each year, cause to be made out and published in some newspaper printed in said village, if one shall be printed therein, and if not printed therein, then to be posted on the outward door of the building where the last annual election was held in said village, a true statement of the receipts and expenditures of the preceding year.

By-laws &
ordinances
published.

Sec. 10. No by-laws or ordinances of said corporation shall have any effect until the same shall have been published three weeks successively in a newspaper printed in said county, or by written notices, posted up in three of the most public places in said village; and an affidavit of said publication in the manner aforesaid, entered at large upon the records of the corporation, by the clerk thereof, (or the publisher of the paper, if it be printed,) shall be deemed prima facie evidence of such publication.

Taxes.

Sec. 11. It shall be the duty of the trustees, once in each and every year, and immediately after the assessors have assessed the real and personal estate lying and being in said village, to estimate, apportion, and set down in a column left for that purpose, opposite to the several sums set down as the polls and value of real and personal estate in the assessment roll, the respective sums, in dollars and cents, to be paid as a tax or assessment thereon, and shall give ten days notice, by publication thereof, of the time and place of review-

Review of
roll.

ing said assessment roll, under the supervision of the president and one assessor, that any party deeming themselves aggrieved may be heard; and the roll may then and there be altered, if it shall be made to appear that any person has been wrongly assessed; and then they shall cause said assessment roll, or a copy thereof, to be delivered to the marshal of said village, with a warrant annexed to the same, under the hands and seal of said assessors and trustees, or a majority of them, directing and requiring him to collect from the several persons named in said roll, the several sums mentioned therein, set opposite their respective names as the tax or assessment, and authorizing him, in case any of them shall refuse or neglect to pay such sum or sums, to levy the same by distress and sale of his or her goods and chattels, together with the cost and charges of such distress and sale, and directing him to pay such money when collected to the treasurer of said village, by a certain day therein named, not less than forty days from the date of said warrant; and said warrant may be renewed from time to time, as the trustees may deem best; and when any assessment shall be made for any special improvement, it shall be legal, even if it is not made at the time of making the grand list, notice being given of the review of said assessment, as herein provided.

Warrant.

Sec. 12. If any person shall refuse or neglect to pay the sum or sums at which he shall be taxed or assessed as aforesaid, the marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, first giving public notice thereof as is required by law to be given to township treasurers; and in case the goods and chattels distressed shall be sold for more than the amount of the tax or assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chattels on demand.

Sec. 13. The tax upon real estate, with all the assessments for the purpose named in the eighth section of this act, shall be put down in the said assessment roll by itself, in a column; and whenever any such tax or assessment, and the interest thereon, which shall be completed [computed] at the rate of fourteen per cent. per annum, until paid, shall remain unpaid for two years from the date of the warrant to the marshal as aforesaid, the treasurer of said village shall cause so much of the land charged with such tax and assess-
 Lands to be sold.

ment and interest to be sold at public auction, at some public place in said village, to the highest bidder, as shall be necessary to pay the said taxes and assessments and interest, together with all charges thereon, first giving at least four months' notice of the time and place of said sale, by advertisement posted up in three of the most public places in said village, or by causing the same to be published in a newspaper printed in said village; and affidavit of such publication, recorded in the manner prescribed in the tenth section of this act, shall be deemed prima facie evidence of the fact of such publication.

Sale. Sec. 14. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the same from day to day until so much thereof shall be sold as will pay the taxes and assessments as aforesaid; with the interest and charges due, assessed and charged thereon as aforesaid; and the said treasurer shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased and the sums paid therefor, and the time when the purchaser will be entitled to a deed for the said lands; and if the person claiming title to the said lands described in the sale, shall not, within two years from the date of the sale thereof, pay to the treasurer, for the use of the purchaser, his heirs and assigns, the sum mentioned in such certificate, together with the interest thereon at the rate of twenty per cent. per annum, from the date of such certificate, the treasurer or his successor in office shall, at the expiration of the said two years, execute to the purchaser, his heirs or assigns, a conveyance of the lands so sold; which conveyance shall vest in the person or persons to whom it shall be given, an absolute estate in fee simple, except it may appear that the tax or taxes have been paid, subject to all the claims the State shall have thereon; and the said conveyance shall be conclusive evidence that the sale was regular, according to the provisions of this act; and every such conveyance executed by the said treasurer, under his hand and seal, witnessed and acknowledged and recorded in the usual form, may be given in evidence in the same manner and with like effect as a deed regularly executed and acknowledged by the owner, and duly recorded, may be given in evidence.

Redemption

Deed.

Treasurer's fees. Sec. 15. The treasurer of said village shall receive the same fees in cases of sale as aforesaid, as are allowed by law to the county

treasurer for like services, and the expenses in advertising any land for sale in pursuance of this act, shall by the treasurer be added to such taxes respectively as are charged upon lands and unpaid, in proportion to the amount of such person's tax so charged and unpaid.

Sec. 16. The corporation shall be allowed the use of the common Jail-jail of the county of Kalamazoo, for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation; and all persons so committed to said jail shall be under the charge of the sheriff as in other cases: *Provided*, The county shall in no manner be chargeable with the costs and expenses of such imprisonment in civil cases.

Sec. 17. To ascertain the value of any property to be taken to open, widen or continue a street, and concur in the damage the owner will sustain by its being taken, the board of trustees shall appoint two commissioners, and the owners of the property to be taken may appoint two, and the four shall choose the fifth; and in case the owner neglects or refuses to choose two, any justice of the peace may choose for him; which commissioners shall be disinterested, and inhabitants of said county, and freeholders therein, and who shall take an oath or affirmation, to be administered by the president of the village, well and truly and without partiality or favor, to value the property to be taken, and the damage to the owner as aforesaid, and to assess the same upon the property benefitted by the improvement, and to report such valuation and assessment to the board of trustees; which report, when confirmed by the circuit court of the county, and entered upon the records thereof, shall be final and conclusive upon all parties interested; and any person interested in said report may object to its confirmation by affidavit or otherwise; and the said court may refer the same back to the old commissioners, or new commissioners to be appointed by the court, to make a new valuation or assessment, as often as the court may deem the same necessary to promote the ends of justice. Assessments of taxes for the payment of damages, caused by the opening, widening or continuing any streets, shall be assessed only upon property benefitted thereby; and no new street shall be opened unless one-half the interest thereby affected shall petition for the same; but no new street shall be opened or continued to the detriment of any building which may

Proceedings
in widening
streets.

stand in the site of said street, of the value of one thousand dollars, without the written permission of the owner thereof, unless it shall have been purchased for the corporation by the trustees thereof.

Term of office

Sec. 18. No officer elected or appointed by the corporation shall hold his office more than one year, or until his successor is appointed; and the board of trustees may require any or all of them to make oath or affirmation faithfully and impartially to discharge the duties of their respective offices, and may require of any of them such security by bond for the performance of the duties of their respective offices, as shall be thought expedient; which bond shall run to the treasurer of the corporation, and his successors in office; and suit may be brought for any breach of said bond in the name of the president and trustees of said village, as in other cases, before any justice of the peace, or the circuit court of the county, according to the amount claimed, which courts are hereby authorized to hear, try and determine the same.

Oath and bonds.

Police justice: powers and duties.

Sec. 19. The clerk of the village shall be recorder of the same, and shall be a police justice of the peace, having cognizance of all matters arising under and by virtue of this act of incorporation; having the same rights and powers and fees as a justice of the peace, (except in cases wherein the corporation is not a party,) and all warrants, summons, executions and processes issued by him to carry into effect the ordinances, shall be tested and returnable with like manner and effect, and all suits be conducted in like manner as provided in the statutes for and applicable to justices of the peace.

Duties of Marshal.

Sec. 20. The marshal shall have the general supervision of the village, and see that the laws are enforced; and by virtue of his office shall be high constable and chief of police, with the powers belonging to constables of any township; having power to enter into any disorderly or gaming house, and dwelling house or any other building where he may have good reason to believe a felon is secreted or harbored, and where any person is who has committed a breach of the peace, or where any felony or breach of the peace is being committed; to arrest disorderly persons and felons, and those engaged in unlawful assemblages, and take them before the recorder, (who shall hear and determine the matter on proof in a summary way;) to compel the citizens to aid in extinguishing fires; to appoint deputies

with powers similar to himself: *Provided*, That nothing in this act Proviso. shall be construed into his serving processes issued by justices of the peace in civil cases.

Sec. 21. Each member of the fire department, or an engine, hook and ladder, bucket or hose company, duly organized by the president and trustees, shall be exempt from poll tax or serving on jury; and the president and trustees may pass such laws as they may deem proper to prevent or extinguish fires, and to annex penalties for the violation thereof, and to compel the assistance of the citizens to aid in extinguishing any fire that may break out. Fire department.

Sec. 22. The president and trustees shall have the exclusive rights, and exercise the same powers within the limits of the village, as may by law be exercised by commissioners of highways in the several townships of the State, and shall appoint the overseers of highways to repair and keep in order the highways, streets and alleys, and shall cause a tax to be levied and collected as taxes usually are for constructing and repairing roads in the different townships; and shall have the exclusive control of the highway moneys levied and collected in the village: *Provided*, That nothing herein contained shall be construed to exempt any person or property within said village from any township tax that may be legally levied within and for the township of Kalamazoo, for the repairing, building or rebuilding of any bridge within said township, or for any special expenditure for the laying out, opening, working or improving any highway of said township, or for any damage for which said town may become liable by reason of any neglect in keeping any bridge or public highway in proper repair. Trustees to exercise same powers as highway commissioners.

Sec. 23. The lands within the limits of the corporation shall be set apart from the other school districts of the township of Kalamazoo, and placed under the exclusive jurisdiction of the president and trustees, who shall divide or annex the districts within said corporation from and to each other as they shall deem best, and who shall have and use the same rights, powers and duties as the district boards in the various school districts of the State; and may appoint such subordinate officers as shall be necessary to exercise such rights, powers and duties. Proviso.

Sec. 24. All ordinances, by-laws and regulations of the corporation of Kalamazoo, which are in force at the time of the passage of School district. Ordinances to remain in force.

Proviso. this act, shall remain in full force and effect as if passed under the provisions of this act: *Provided however,* That they do not contain anything repugnant to the sections of this act, or the constitution or laws of this State or the United States.

Licenses. Sec. 25. All moneys received for licenses granted to tavern-keepers, common victuallers, or retailers of spirituous liquors, under the provisions of this act, shall be paid to the county treasurer as provided in section twenty-six of chapter thirty-eight of the revised statutes of 1846.

Public act. Sec. 26. This act shall be favorably construed, and received in all courts as a public act; and copies thereof, printed under the authority of the Legislature, shall be received as evidence without further proof.

Repeal. Sec. 27. The Legislature may alter, amend or repeal this act, by a vote of two-thirds of both houses

Eligibility. Sec. 28. No person shall be eligible to any office in this corporation, unless he shall have resided in the said corporation six months next preceding his election, and who shall not be entitled to vote therein.

Approved April 1, 1850.

[No. 246.]

AN ACT to amend an act to incorporate the Farmers' and Merchants' Bank of Ann Arbor.

Sec. 1 amended. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That an act to incorporate the Farmers' and Merchants' Bank of Ann Arbor, approved March 31, 1849, be and the same is hereby amended as follows, viz: Strike out the names of the corporators as contained in section one, and insert the following: "Nelson H. Wing, C. Houston Van Cleve, F. J. B. Cranc, Edward Belknap, W. A. Van Zandt and Elnathan Botsford;" and also, strike out of said section one, "Farmers' and Merchants' Bank of Ann Arbor," and insert, "Government Stock Bank;" and also, strike from section two of said act, the second sentence thereof.

Sec. 6 amended. Sec. 2. Strike out of section six of said act, the following words: "The State of New York or six per cent. stocks of the State of Mich-

igan, on which interest is paid." Also, insert the word "Government" before the word "stocks," where it occurs in sections six and eleven, so they shall read, "secured by the pledge of Government stocks." Also, strike out the word "next," in the last part of section six, and insert, "one thousand eight hundred and fifty-one."

Sec. 3. Section six of the act to which this is amendatory is here-^{Sec. 6 a-} by amended by inserting after the word "same," in line sixteen of ^{mended.} said section as printed, the following: "And before the State Treasurer shall countersign or deliver any bills to said company, said company shall deposit with the State Treasurer stocks of the United States to an amount equal to the amount of bills so countersigned and delivered, which stocks so deposited shall remain in the State Treasury as security for the redemption of all bills countersigned and delivered to said company."

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 247.]

AN ACT to incorporate the City of Grand Rapids.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That so much of the townships of Grand Rapids and Walker, in the county of Kent, as is contained in the following limits, to wit: sections nineteen and thirty, in surveyed town number seven north of range eleven west, and sections number twenty-four and twenty-five, in surveyed town number seven north of range number twelve west, including so much of Grand River as runs through and adjoining said sections, with the islands in the same, shall be and the same is hereby declared to be a city, by the name and style of the city of Grand Rapids; and all the freemen of said city, from time to time, being inhabitants thereof, shall be and continue to be a body corporate and politic, by the name of the ^{Incorporation} mayor, recorder, aldermen and freemen of the city of Grand Rapids; and by that name they and their successors shall be known in law, and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being an-^{Boundaries.}

swered unto, and of defending and being defended in all courts of record, and any other place whatsoever; and may have a common seal, and may change and alter the same at their pleasure; and by the same name shall be and are hereby made capable of purchasing, holding, conveying and disposing of any real and personal estate for the use of said corporation, as hereinafter provided.

Part of G.
Rapids and
Walker set
off.

Sec. 2. That so much of the townships of Grand Rapids and Walker as is embraced within the proposed boundaries of the city of Grand Rapids, be and the same is hereby set off from said townships.

Wards,
their bound-
aries.

Sec. 3. Said city shall be divided into five wards, as follows: The first ward shall embrace all the district of country south of Lyon street and west of the continuous line of Division street, and east of Grand river. The second ward shall embrace all the district of country north of Lyon street and west of that part of Division street north of its intersecting Bridge street, and all north of Bridge street and east of Grand river. The third ward shall embrace all the district of country south of Bridge street and east of Division street and the continuous line thereof. The fourth ward shall embrace all that district of country west of Grand river and north of the continuous line of Bridge street. The fifth ward shall embrace all that district of country south of the continuous line of Bridge street and west of Grand river: *Provided*, That whenever a street or river is mentioned in this act as a boundary line, the centre of said street or river shall be deemed the said line.

Officers.

Sec. 4. There shall be the following officers in and for said city, to wit: one mayor, one recorder, five aldermen, one clerk, one treasurer, one marshal, five assessors, one city surveyor, four justices of the peace, and not less than three nor more than five constables, one solicitor, two school inspectors, and two directors of the poor.

Election.

Sec. 5. The freemen of said city, being electors under the constitution of the State of Michigan, shall, on the first Monday of April in every year, (in their respective wards,) at such place as the alderman and assessors of their ward, or the mayor of said city shall appoint, by a plurality of votes, elect from among the freemen of said city, residing in said ward, one alderman and one assessor in each ward, and one justice of the peace in each ward, and no more.

except the fourth and fifth wards shall elect only one; and they shall also elect by general ticket, one mayor, one clerk, one treasurer, one marshal, one recorder, one city surveyor, and not less than three nor more than five constables, two directors of the poor, two school inspectors, one for one year and the other for two years, and one in every year after the first election, who shall hold his office for two years, or until one is elected to supply his place, having the qualifications of electors, residing in any part of said city, who shall serve in their respective capacities one year next ensuing their election, ^{Term of office.} except as in this act provided, and until others are chosen and qualified, unless sooner removed for mal-conduct by the mayor, recorder and aldermen; which election shall be held in the several wards, and be superintended by the alderman and assessor in their respective wards, or in case of their sickness or absence, then by either the ^{Elect one; how held.} mayor, recorder or clerk, as the common council shall direct, to hold said election; and all elections for aldermen, mayor, clerk, justices of the peace, assessors, directors of the poor, school inspectors and constables, held in any of the wards in the city, shall be by ballot, and conducted as follows: every person qualified to vote shall openly deliver his ballot to the officer or other person holding such election, which ballot shall be a paper ticket containing the name or names of such officer or officers as shall be chosen in the ward in which the elector shall reside, and also the names of such officers as are to be chosen in the city at large, or as he may think proper to vote for, designating who is voted for as alderman, and the like for all officers to be chosen at such election; and the said paper ticket shall be so folded or closed as to conceal the writing or printing thereon; and on the receipt of such ballot the officer holding such election shall, without suffering the same to be opened or inspected, cause the same to be put into a box to be provided by the common council for that purpose; and further, that the poll of such election shall be opened at ten o'clock in the forenoon, and shall continue open until four o'clock in the afternoon of the same day, and no longer; and that the name of such elector voting at such election shall be ^{Canvass.} written in a poll list, to be kept at such election by the officer (in any of the said wards,) and the said officer shall proceed without delay publicly to open the said ballots; and shall first count the ballots

unopened, and if the number of ballots so counted shall exceed the number of electors contained in the poll list, the officer holding said election shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess; and if two or more ballots are found rolled or folded up together, they shall not be estimated; and thereupon the officers holding such election shall immediately proceed openly and publicly to canvass and estimate the votes given at such election, and shall complete the said canvass and estimate on the same day or on the next day, and shall thereupon certify and declare the number of votes given for each person voted for, and shall file such certificate in the office of the clerk of such city, before ten o'clock in the forenoon of the next day after said canvass; at which last mentioned period the common council shall proceed to canvass said returns, and shall declare the result of said election; and in case it shall at any time happen that two or more persons shall have an equal number of votes, so that no election shall be had, the two candidates having the equal number of votes shall draw lots, which drawing shall be under the supervision and in the presence of the common council, who shall declare the result of such drawing, and who is elected to such office.

Election no-
tice.

Oath.

Sec. 6. It shall be the duty of the clerk of said city, or of the officers holding such election, to give five days previous public notice in writing, or by printing the same, in three public places in each of said wards, and in a public newspaper printed in said city, of the time and place of holding all elections, both annual and special, in said city or wards; and every person offering to vote, shall, if required by the officers holding such election, or by any person offering to vote thereat, take the following oath: "I do solemnly and sincerely swear (or affirm) that I am a natural born (or naturalized) citizen of the United States, (or that I was a resident of the State of Michigan, at the time of the signing of the Constitution thereof,) of the age of twenty-one years, according to my best knowledge and belief; and that I have been a resident of the State of Michigan for the six months next preceding this election, and am now a resident in this ward in the city of Grand Rapids; and that I have not voted before in any ward in the said city at this election." And upon taking such oath, he shall forthwith be permitted to vote; and if any person shall knowingly and wilfully swear falsely in the premises,

he shall be deemed guilty of wilful and corrupt perjury, and shall ^{Perjury.} be punished therefor, on conviction, before any court having jurisdiction thereof: *Provided however,* That the first election for officers for said city shall be held at such time and place as may be appointed by the president and trustees of the village of Grand Rapids, ^{1st election.} within ninety days from the passage of this act, and in the manner prescribed by this act for electing city officers; one of the trustees shall hold the election in each ward, in lieu of the alderman and assessors, as prescribed in this act, and shall canvass the votes and certify the result of the election to the president and trustees, who shall canvass the said certificates, and declare the result of said election in the same manner as the common council are required to ^{Canvass.} do by this act; and that the officers to be then either elected or immediately thereafter appointed, shall hold their offices until the next annual election, and until their successors are elected and qualified, except as in this act otherwise provided.

Sec. 7. It shall be the duty of the clerk of said city, as soon as practicable, and within five days thereafter after the closing of the polls of any election, to notify the officers respectively of their election; and the said officers so elected and notified as aforesaid, shall, within thirty days after receiving a copy of such notice, take an oath or affirmation faithfully and impartially to execute and discharge the duties of their said offices, a certificate of which shall be filed with the clerk of the said city. ^{Clerk so notify officers.}

Sec. 8. The mayor and aldermen elected and sworn as aforesaid, ^{Officers.} or a majority of them, shall, so soon as may be practicable, and before they transact any other business, assemble and appoint from the freemen of said city, one solicitor, to serve for the ensuing year, who shall be notified and qualified as nearly as may be in the same manner as is provided for in the preceding section.

Sec. 9. In case of the absence or sickness of the mayor, or of a vacancy occurring in said office, the recorder shall be ^{Vacancy.} and he is hereby authorized to do and perform all the duties and trusts appertaining to the office of mayor, until the said mayor resume his duties, or another be elected and qualified.

Sec. 10. The mayor, recorder and aldermen, when assembled together and duly organized, shall constitute the "common council of ^{Com. council.} the city."

the city of Grand Rapids;" and a majority of the whole (the mayor or recorder always being one) shall be necessary to constitute a quorum for the transaction of business; and the said common council shall be summoned to hold their meetings at such time and place as the mayor, or in case of his sickness or absence, the recorder, may appoint; and the common council shall have power to impose, levy and collect such fines as they may deem proper for the non-attendance of the officers and members thereof at such meeting; and also to require the attendance of any officer by them appointed, and to impose fines for non-attendance.

Fines.

Vacancies.

Sec. 11. In case of the death, resignation or removal of the mayor, recorder, marshal, clerk or any of the aldermen, such death, resignation or removal, shall be announced by the clerk, mayor or recorder, to the members of the common council, who shall convene as soon as may be and appoint an officer to fill such vacancy for the unexpired portion of the year.

Removals.

Sec. 12. The mayor, recorder and aldermen shall have power to remove at pleasure any of the officers by them appointed by virtue of this act, and to fill all vacancies that may happen in any of said offices, so often as the same may occur by death, resignation, removal or other cause; and all officers so appointed shall be notified and qualified as aforesaid, and perform the duties of their respective offices. Said common council shall also have authority to remove the marshal, recorder or clerk of said city, for any violation by either of them of any of the provisions of this act, or of any lawful by-laws or ordinance of said city; and on such removal, to appoint another person to fill such vacancy, for the unexpired portion of the year.

Bonds of clerk and treasurer.

Sec. 13. The clerk, treasurer and marshal shall, respectively, before they enter upon the exercise of the duties of their respective offices, give such security for the faithful discharge of the duties of the trusts reposed in them, as the mayor, recorder and aldermen, in common council convened, shall direct and require.

General powers.

Sec. 14. The common council shall have full power and authority to organize, maintain and regulate the police of the city; to pass all by-laws and ordinances for that purpose, and relative to the duties and powers and fees of the marshal as marshal, and as collector and street commissioner, city surveyor, solicitor, treasurer, clerk and

constables or other officers of said city, except as is hereinafter provided; relative to the time and manner of working upon the streets, lanes and alleys of said city; relative to the manner of grading, railing, planking and paving all side walks in said city, and to Streets, &c. setting posts and shade trees in all streets, lanes and alleys in said city; relative to the manner of assessing, levying and collecting all highway and other taxes in said city, except as hereinafter provided. Taxes. And the said common council shall have power to make by-laws and ordinances relative to all nuisances within the limits of said city, and for the abatement of the same, and for the punishment by Fines. fine or otherwise of all persons occasioning the same; relative to the cleaning of chimneys and protecting said city from fires; relative to the manner of warning meetings of the freemen of said city; relative to the city watch; relative to the public lights of lamps of said city; relative to the keeping and sale of gunpowder in said city; relative to the restraining of swine, cattle, horses and other description of animals from running at large in the streets, lanes or alleys, and other public places in the city; to regulate and establish one or more pounds for said city; relative to billiard and other tables kept Pounds. Gaming tables. for hire, gain or reward in said city; and also full power and authority to make all such by-laws and ordinances as may be deemed by the common council expedient or necessary for preventing and suppressing all disorderly houses and houses of ill-fame; and also to prohibit the exercise of any unwholesome or dangerous avocation in said city; for the preservation of the salubrity of the waters of the Grand River or other streams within the limits of the said city; relative to the opening of sluices and building all wharves; relative to the filling up all low grounds or lots, covered or partially covered with water; relative to the embankment of the margin of said river within said limits.

Sec. 15. The said common council shall have power and authority, and it is hereby made their duty to require and compel the abatement and removal of all nuisances within the limits of said city, under such regulations as shall be prescribed by ordinance; to cause all grounds therein where water shall become stagnant, to be raised, Nuisances. filled up or drained; but shall not interfere with the use of the Grand Rapids canal; and to cause all putrid substance, whether animal or

vegetable, to be removed to a distance beyond the limits of said city; and when it may become necessary for the abatement of such nuisance, to pull down any building or to fill up or level any grounds, it shall be lawful for the common council to assess the costs or expenses of such filling up or leveling or removing buildings, upon the property improved; and should the owner or occupant, on reasonable notice being had, neglect or refuse to pay the full amount of such assessment, the said common council shall have authority to sell or lease such premises at public auction for the least number of years that will defray such charge or expense, giving thirty days previous notice of the time and place of such sale or leasing, in some newspaper published in said city; and such sale shall vest a full and legal title to the purchaser for such term as the same may be sold: *Provided however*, That said costs and expenses, or any part thereof, may be at the discretion of the common council, and with the consent of the freeholders by a two-thirds vote, in legal meeting assembled, paid and provided for by a general assessment upon the property of the whole city.

Assessment **Sale for non-payment.** **Proviso.** **By-laws & ordinances.** Sec. 16. The common council shall have power to make all such by-laws and ordinances as shall be necessary to secure said city and the inhabitants thereof against injuries by fire, thieves, robbers, burglars and other persons violating the public peace; for the suppression of riots and gambling, and indecent and disorderly conduct, and for the punishment of the same, and for the punishment of all lewd and lascivious behavior in the streets and other public places in said city, and for the apprehension and punishment of all vagrants, drunkards and idle persons; and they shall have power, from time to time, to make and publish all such by-laws and ordinances as to them shall seem necessary; to provide for the safety and good government, preserve the health, promote the prosperity and improve the comfort and convenience of said city and of the inhabitants thereof; and to impose fines, forfeitures and penalties on all persons offending against the by-laws and ordinances made as aforesaid.

Board of health.

Sec. 17. The common council shall have power to establish a board of health for said city; to invest it with such powers and impose upon it such duties as shall be necessary to secure said city and the inhabitants thereof from contagious, malignant and infectious

diseases; provide for its proper organization and the election or appointment of the necessary officers therefor, and make such by-laws, rules and regulations for its government and support as shall be required for enforcing the most prompt and efficient performance of its duties and the lawful exercise of its powers.

Sec. 18. The common council shall have authority to establish and organize all fire companies, and hose, hook and ladder companies, and provide them with proper engines and other instruments as shall be necessary to extinguish fire and preserve the property of the inhabitants of said city from conflagration; and to appoint from among the inhabitants of said city such number of men, willing to accept, as may be deemed proper and necessary to be employed as firemen: *Provided*, Such number does not exceed fifty in the management of each engine: and each fire and hose and hook and ladder company shall have power to appoint their own officers, pass by-laws for the organization and government of said company, subject to the approval of the mayor, recorder and aldermen; and may impose and collect such fines for the non-attendance or neglect of duty of any of its members as may be established by such by-laws and regulations of every such company: and every person belonging to such company shall obtain from the clerk of said city a certificate to that effect, which shall be evidence thereof; and the members of any such company, during their continuance as such, shall be excused from all duty in the militia in time of peace, and also from serving on any jury in any of the courts of this State, or payment of poll tax; and it shall be the duty of every fire company to keep in good and perfect repair the fire engines, hose, ladders and other instruments of such company; and upon any alarm or breaking out of any fire within said city, each fire company shall forthwith assemble at the place of such fire with the engines and other implements of each of said fire companies; and it shall be the duty of each fire company to assemble once in each months, or as often as may be directed by said common council, for the purpose of working or examining said engines and other implements, with a view to their perfect order and repair.

Fire companies.

By laws of fire companies.

Exemptions

Duty of firemen.

Sec. 19. Upon the breaking out of any fire in said city, the marshal and constables shall immediately repair to the place of such fire

Duty of marshal & constables.

with their staves of office, and be aiding and assisting as well in extinguishing such fire as in preventing any goods from being stolen, and also in removing and securing the same; and shall in all respects be obedient to the mayor, recorder and aldermen and fire wardens, or either of them, or such of them as may be present at such fire.

Powers of
Common coun-
cil.

Sec. 20. The common council shall have power, and it is hereby made their duty, to regulate by good and wholesome laws and ordinances for that purpose, all ale and porter shops and places of resort where spirituous liquors are sold or used within said city; public shows and all exhibitions of whatever name or nature, to which admission is obtained by payment of money or any other reward; and the said common council shall have power to grant licences, (provided that a majority of the electors voting at any annual election shall vote in favor of granting licences for selling spirituous liquors,) to retailers of spirituous liquors, keepers of all ale or porter shops and groceries, showmen and all other exhibitions for money, and all pawn-brokers: and in granting any such license it shall be lawful for said common council to exact, demand and receive such sum or sums of money as they shall think fit and expedient, to annex thereto such reasonable terms and conditions in regard to time, place and other circumstances under which such license shall be acted upon, as in their opinion the peace, quiet and good order of society in said city may require; and for the violation of such terms and conditions as aforesaid, the common council shall have power to revoke or suspend such license whenever the good order and welfare of said city may require it, and to impose such fine for any such violation as they may deem proper.

General
powers.

Sec. 21. The common council shall have full power and authority to construct, repair and preserve sewers and drains; also the weighing of hay, and to prescribe and designate the stand for carters and carts, and for wood, hay and produce exposed for sale in said city; to prevent the vending of liquors in any place within said limits not duly licensed; to prevent and punish immoderate driving in any of the streets in said city; to prevent the incumbering of the streets, side walks, alleys or public grounds or squares; to provide for clearing Grand River canal or other streams of all wood, filth and other nuisances; to regulate the keeping and transporting of

gunpowder and other combustible materials within said city; to regulate all public grave yards and burial of the dead in said city.

Sec. 22. The said common council shall have authority to lay out ^{General powers.} and establish, open, make and alter such streets, lanes and alleys, side walks, highways, water courses and bridges, within the limits ^{Open streets} of said city, as they may deem necessary for the public convenience; and if, in doing thereof, they shall require for such purposes the grounds of any person, they shall give notice thereof to the owner or parties interested, or his or their agent or representative, by personal service or by publication in some one of the newspapers printed in said city, at least three weeks next preceding the meeting of the common council for the purposes aforesaid; and if such person shall claim any damages for any such grounds or premises, he shall ^{Damages.} present his claim in writing, to be filed with the clerk of said city, one week previous to such meeting of said common council; and the said common council are hereby authorized to treat with such person for such grounds or premises; and if such person shall refuse to treat for the same, or if the parties cannot agree therefor, it shall be lawful for said common council to direct the clerk of said city to issue a precept, under his hand and seal of the city court, in the nature of a *venire facias*, to command the marshal, or any constable of said city, to summon and return a jury of twelve disinterested freeholders of said city, to appear before said city court at any time to be therein stated, to inquire into and assess the damages and recompense due to the owner or owners of, or interested in, such grounds or premises; which jury, being first duly sworn by said court faithfully and impartially to inquire into and assess the damages in question, and having viewed the premises, if necessary, shall inquire of ^{Assessment} and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners of, or parties interested in, such grounds or premises, for their respective losses, according to the several interests and estates therein; and the said court shall, upon the return of such assessment or verdict, enter judgment thereon, confirming the same: and all such sum or sums so assessed, together with all costs, shall be paid or legally tendered before such street, lane or alley, side walk, highway or bridge, shall be made, opened, established or altered, to the claimant or claimants thereof; but if

Provided.

each jury shall find that the claimant is not entitled to any damages, then it shall be competent for said court to render judgment against said claimant for the costs, and to issue execution therefor; and in either case it shall thereupon be lawful for the common council to cause the same grounds or premises to be converted to and used for the purposes aforesaid: *Provided* That any party claiming damages may have the right to remove such proceedings, by appeal to the circuit court, or any other court of competent jurisdiction, upon giving notice of his or their intention so to do to said Mayor's court, in writing, within three days; or in case of the absence of the said party from the city, within ten days after the verdict of such jury and the judgment of the mayor's court thereon aforesaid, first giving bond, with two sufficient sureties, to be approved by the mayor or recorder, conditioned to pay all costs which may be awarded against him in said circuit court; but no appeal, supersedeas, injunction, or any other process or proceeding from any court whatever, shall prevent the immediate making, laying out, opening or altering such street, lane, alley, side walk, highway or bridge, as aforesaid; and upon the filing of a transcript of the proceedings aforesaid in the circuit court, or any other court of record having jurisdiction, the same proceedings shall be had as is prescribed by law in case of appeals: *Provided*, That if [the] final judgment of said court shall not exceed the damages assessed in said mayor's court, the party appealing shall pay all costs occasioned by such appeal.

Mayor's court.

Sec. 23. The mayor, recorder and aldermen, or any three of them, the mayor or recorder always being one, shall have full power and authority to hold and keep a court of record, by the name, style and title of the "Mayor's Court of the City of Grand Rapids;" and as such, they are hereby authorized and empowered to inquire of, hear, try and determine, in a summary manner, all the offences which shall be committed within the limits of said city against any of the by-laws, ordinances and regulations that shall be made, ordained or established by the said common council in pursuance of the powers granted them in this act, and punish the offender or offenders, as by the said by-laws, ordinances or regulations shall be prescribed or directed; and also to hear, try and determine, in the same manner, all offences and misdemeanors of which this court has

jurisdiction or cognizance by this act, and to punish such offender or offenders, and to award process and to take recognizance for keeping of the peace and for good behavior, and for appearances or otherwise, or commit to prison, as occasion requires: *Provided*, That no fine imposed by said mayor's court shall exceed one hundred dollars, nor shall any person be sentenced to more than six months' imprisonment.

Sec 24. Said court shall have jurisdiction and cognizance of all actions, personal or mixed, arising within the limits of said city, under any of the provisions of this act, and under any of the ordinances or by-laws of said city, to which the mayor, recorder, aldermen or freemen of said city, in their corporate capacity, are a party, and especially for the collection of taxes or fines, or other debts due, or which may become due to said corporation; for the rents of any buildings, lands or premises belonging to said corporation; and for obtaining possession of lands or tenements belonging thereto; and for the eviction of tenants holding over possession after their leases shall have expired, or contrary to the covenants thereof: *Provided*, That no tenant shall be turned out of possession, unless the marshal or other officer thereto directed, shall have given such tenant six days' previous notice, after the expiration or termination of his said lease.

Sec. 25. Whenever it shall be necessary for the purposes of the trial of any cause or matter, by virtue of the preceding section, that a jury should be had, the said mayor's court is hereby authorized and empowered to direct the marshal of said city to make a list of the names of twenty-four freeholders of said city, from which list the city solicitor and the defendant shall each alternately strike out one, until each shall have struck out six names; if either party refuse to strike out, then it shall be the duty of the clerk so to do, under the direction of the court, and the remaining names shall constitute the jury: and said mayor's court shall thereupon direct the clerk of said city to issue a precept under his hand and the seal of said court, to command the marshal or any constable of said city to summons and return, and every such officer is hereby required to summons and return such jury of twelve freeholders in said city, to attend said court, to serve in every such case; and any juror summoned as

aforesaid, neglecting or refusing to attend, shall be fined or punished by said court; and no juror summoned and attending as aforesaid, shall be deemed incompetent to serve on account of the interest such juror may have as a freeman of said city, in the event of the cause to be heard or tried; and every juror serving as aforesaid, shall be entitled to demand and receive the usual pay allowed in the circuit court for every such service. The marshal shall in all cases, before making out such list of names, be sworn to make such list without favor or partiality to either party; and in case any of the jury so summoned shall refuse to attend, talismen may be summoned from the freemen of said city, as in other courts.

Terms of
court.

Sec. 26. The mayor's court shall be held on the second Monday of every month, and the terms of said court may be continued until the business is disposed of; and the special sessions thereof may be held as often as may be deemed necessary for the dispatch of business; and the said mayor, recorder and aldermen holding such court in term, and each and every of them in vacation, shall have the same power as conservators of the peace within the limits of said city as any courts of record have or any justice of the peace has or may have by law in any county of this State; and it shall be lawful for every of said officers to administer oaths, take affidavits and depositions to be read in said court, and to receive therefor the usual fees for such services in the circuit court.

Fees.

Records.

Sec. 27. The docket of the recorder or of the mayor's court, shall be and remain a public record in the recorder's office, and shall be by him delivered over, together with all other books and papers belonging to the office of the recorder, to his successor in office; and his successor in office shall be authorized to continue and complete all proceedings begun by his predecessor.

Clerk.

Sec. 28. The clerk of the city shall be the clerk of said mayor's court, and shall perform all the duties of clerk of said court, and shall be entitled to demand and receive all the fees and perquisites belonging to said office, from parties other than said city.

Officers of
court; their
duties.

Sec. 29. The marshal, clerk, and so many of the constables as shall be required thereto, shall attend the said mayor's court and discharge all the duties of their respective offices; and the said marshal and other ministerial officers of said city, shall execute and return all processes issuing out of said court to them directed, in the

same manner as the sheriff or other officers of any court of record in this State.

Sec. 30. The mayor's court shall have power and authority to make all rules for the practice in such court, and when necessary or expedient, to enter judgment and issue execution in the same manner as the same may be issued in the circuit court of Kent county, which may be levied, collected and returned within sixty days from the date thereof; and to establish from time to time the costs and fees of all the officers attending said court, which costs and fees shall be taken and made a part of the judgment, and recovered in the same manner as is or shall be provided by law.

Power of Mayor's court.

Costs and fees.

Sec. 31. All writs and process from the mayor's court, shall run in the name of the people of the State of Michigan; be directed to the marshal or any constable of said city; shall bear test in the name of the mayor, if not interested, and if interested, or there be no mayor, then in the name of the recorder; shall be sealed with the seal of said court, signed by the clerk, and dated on the day on which the same shall be issued.

Process.

Sec. 32. If any person or persons shall consider himself or themselves aggrieved by any judgment of said mayor's court, it shall be lawful for such person or persons, his or their agent or attorney, to appeal to the circuit court of Kent county, at any time within ten days after the rendering of such judgment, by giving notice in writing, with the reasons of such appeal from the said mayor's court; and the party so appealing shall enter into the same recognizance, and the same proceedings shall be thereupon had in said circuit court as are or may be prescribed by law regulating appeals to said circuit court.

Appeals.

Sec. 33. Whenever any person or persons charged with any offence, supposed by such charges to have been committed within the limits of said city, against the provisions of this act, or in violation of any by-laws or ordinances of said city, who shall depart from, remain, lurk or reside within the limits of said city, the mayor's court in session, and the mayor or recorder, or either of the aldermen of said city in vacation, are authorized and empowered, and it is hereby made their duty to command the marshal or any of the constables of said city, or the sheriff or sheriff's of any county or

Captain

counties, or any constables of any township within this State, by a writ of *capias*, under the seal of said court, to arrest the body or bodies of such person or persons so charged as aforesaid, and such person or persons have before the mayor or recorder or aldermen of said city, or either of them, agreeable to the exigency of said writ, to be dealt with according to law; and the officer or officers to whom such writ of *capias* shall be directed and delivered, are hereby required to use due diligence in executing the same, under such pains and penalties as are by law incurred by any sheriff or other officers neglecting or refusing to execute any *capias* or other process to him or them directed and delivered.

City & poll
tax.

Proviso.

Lien.

Levy.

Sec. 34. The common council shall have power and authority to levy and collect a capitation or poll tax upon the inhabitants of said city; and also taxes on all the real and personal property within the limits of said city, necessary to defray the current expenses thereof: *Provided*, That the said taxes, so assessed and collected, shall not exceed two mills on the dollar upon the valuation of said real and personal property in any one year, unless authorized by a vote of two-thirds of the actual freeholders in said city, when convened for that purpose, pursuant to previous public notice, of not less than three weeks; and every assessment or tax lawfully imposed or laid by the said common council on any lands, tenements, hereditaments or premises whatsoever in said city, or upon any owner or occupant thereof, by virtue of any of the provisions of this act, shall be and remain a lien on such lands, tenements and hereditaments from the time of making such assessment or imposing such tax until paid; and the owners or occupants or parties in interest respectively, in said real estate, shall be liable upon demand to pay every such assessment or tax to be made as aforesaid; and in default of such payment or any part thereof, it shall be lawful for the mayor, recorder and aldermen of said city, or any three of them, by a warrant under the seal of said mayor's court, to levy the same by distress and sale of the goods and chattels of such owner, occupant or lessee refusing or neglecting to pay the same, rendering the overplus, (if any,) after deducting the charges of such distress and sale, to such owner, occupant or lessee; but if goods and chattels cannot be found, or if such person or persons be non-residents of said city, it shall be law-

§4) for said common council to cause a notice to be published in any one of the newspapers printed in said city, for one month, if such person be a resident, and for three months if a non-resident, requiring the owners, occupants or lessees of such lands, tenements, hereditaments and premises, to pay the sum or sums at which the same shall be assessed or taxed, or which may be assessed to any person or persons as the owner, occupant or lessee thereof, respectively; and if default should be made in any such payment, such real estate shall be sold at public auction, at a day and place therein ^{Sale.} to be specified, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing the sum assessed or taxed on the same, with costs and charges in the premises; and if, notwithstanding said notice, the owners, occupant or occupants, lessee or lessees shall refuse or neglect to pay such assessment or taxes, with the costs and charges, then it shall be lawful for said common council to cause any such real estate to be sold at public auction for a term of years, for the purpose and in the manner already expressed, and to give a certificate of such sale to the purchaser thereof: and such purchaser, his executors, administrators and assigns, shall, by virtue thereof, and of this act, lawfully hold and enjoy the same, for his or their own proper use, against every such owner, occupant or lessee thereof, and all claiming under him or them, until his or their time shall be complete and ended, being at liberty to remove any buildings or materials which he or they may erect thereon: *Provided always*, That when any such estate shall be sold in conformity with the provisions of this act, for the payment of any assessment or tax as aforesaid, if the owner or proprietor thereof, shall, within the period of one year after such sale, deposit ^{Redemption} with the treasurer of said city, for the use of the purchaser, the full amount of the assessment or tax for which the same was sold, together with all costs and charges, and with interest at and after the rate of twelve per centum from the time of sale, then the term for which the same was sold shall cease and be determined at the time of making such deposits, any thing herein to the contrary notwithstanding: *And provided further*, That the person in possession of any real estate at the time any tax is to be collected, shall be liable ^{Proviso.} to pay the tax imposed thereon; and in case any other person, by

agreement or otherwise, is legally liable to pay such tax or any portion thereof, the person who shall pay the same shall and may recover the amount from the person who should have paid said tax:

Provide.

And provided also, That no tax shall be imposed or assessed by less than four members of the common council, of which the mayor and recorder shall always be one, any thing in this act to the contrary notwithstanding: *And provided further,* That whenever the assessors of said city shall have completed their assessment roll and valuation of the property, real and personal, in said city, it shall be the duty of the common council to give notice thereof, by publishing in any of the newspapers printed in said city, by at least two insertions, stating the place where the said roll is left for the inspection of all

*Review of
assessment
roll.*

persons interested, and of the time when, and place where, they will meet to hear the objection of any person interested to the valuation so made; and at the time and place so appointed, the said common council shall meet, and on the application of any person conceiving himself aggrieved, may review and reduce the said valuation on sufficient cause being shown to the satisfaction of the said common council or a majority of them; and if any person or persons shall conceive himself or themselves aggrieved by such decision of the said common council, they shall have the right of appealing from such decision, at any time within ten days thereafter, to the mayor, who is in like manner hereby authorized, upon sufficient cause shown, to reduce said valuation: *And provided further,* That the

Provide.

*4th and 5th
wards*

fourth and fifth wards of the said city, being situated on the west side of Grand River and not heretofore included in the corporation of the village of Grand Rapids, shall not be assessed for the payment of any indebtedness of said village, contracted previous to the period when this act shall go into operation, (except for fire engines,) nor for any expenditures hereafter to be made on the east side of the river, the use and benefits of which cannot, in the nature of the case, be extended to the west side, such as water reservoirs, water-pipes, and all improvements of a merely local nature; and no amendment to this act shall be made affecting the exemption of said fourth and fifth wards, hereby provided, unless by consent of two-thirds of the voters of said wards, in a regularly organized meeting.

Sec. 35. The common council of said city shall assess the street ^{Street tax.} tax of said city at such time as they may deem proper, and thereupon may issue their warrant to the collector for the collection thereof: *Provided*, That no street tax shall be levied unless upon the ap- ^{Proviso.} plication by petition to the common council, of at least two-thirds of all the owners or occupants of the real estate upon the street, or improvement sought to be made, who may be subject to pay the tax for such improvement.

Sec. 36. It shall be the duty of the collector, on or before the first ^{Street taxes; how collec-} Monday of November of each year, to make out and deliver to the ^{-ted.} clerk of the city of Grand Rapids, a list of such portions of all the lands of non-residents and persons unknown, as are situate in the wards of the city which are taxed in the roll attached to his warrant, for street taxes, and upon which the street taxes have not been paid, together with the amount unpaid on each tract, lot or parcel, and make and subscribe an oath before some person competent to administer oaths, or before such clerk, that the street tax assessed upon the lands so returned have not been paid; which arrearages of street taxes shall be by the clerk of said city, in which ward any of the said lots, tracts or parcels are situate, placed on his assessment rolls in a column to be headed "street taxes," opposite the description of the property so returned, and shall be collected in the same manner as the city taxes of said city are required by law to be collected.

Sec. 37. The common council shall have power to appoint street ^{Street com-} commissioners or other officers, to superintend and direct the making, ^{-missioners.} paving, repairing, or opening of all streets, lanes, alleys, side walks, highways or bridges, within the limits of said city, with such power as may be necessary for levelling and grading the same, for establishing the line thereof upon which buildings may be erected, and beyond which such buildings shall not extend, and generally to do and perform, under the by-laws and ordinances, or other directions of the common council, whatever may be deemed conducive to the regularity, public health and convenience of said city; and the common council shall have authority to provide funds for the defraying ^{Paving and} the expenses of such paving, levelling or ^{grading} graduating of streets or ^{streets, &c.} side walks, and making drains, as may be deemed necessary, either

by assessment among the owners or occupants of such lots or premises, in front or adjacent to which such streets or side walks may be directed to be paved or repaired, or by general assessment, as heretofore provided, or otherwise, as they may direct, subject to the limitations aforesaid; and such assessment shall be binding and conclusive upon the owners and occupants of such lots or premises so assessed respectively, and upon all who are assessed, and shall be a lien or charge upon such lots or premises as aforesaid, or a charge upon the persons so assessed; and such owners or occupants, or other persons, shall also respectively be liable upon demand to pay the sum at which such lots or premises shall be assessed, to such person as the said common council shall appoint to receive the same; and in default of such payment, or any part thereof, it shall be lawful for the common council to levy and collect the same in the manner as in this act provided.

Lien.

Receipts & expenditures to be published.

Sec. 38. The common council shall, at least once in every year, cause to be published a just and true account of all the moneys received or expended by them in their corporate capacity, during the year or other period next preceding such publication, and also the disposition thereof; previous to which they shall audit and settle the accounts of the city treasurer, and the accounts of all other officers or persons having claims against the city or accounts with it, and shall make out in detail a statement of all receipts and expenditures, and which statement shall fully specify all the appropriations made by the common council, and the objects and purposes for which the same were made, and the amount of money expended under such appropriation, the amount of taxes raised, the amount of contingent expenses, the amount expended on highways and streets, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the city.

List of freemen.

Sec. 39. The common council shall have authority, and they are hereby required to make out and keep an alphabetical list of all the freemen of said city qualified to vote at any charter election, in each ward; and any freeman, whose name may not at the time be found entered on said list, shall have a right to appear before said common council or mayor's court and show his qualifications as a freeman of said city, and his name shall be entered on such list; and it shall be

the duty of the clerk of said city to furnish the said list at the polls of every election; and no person shall be entitled to vote unless he shall prove his qualifications by entering his name as aforesaid prior to the day of election.

Sec. 40. The constables of said city, while in office, shall, for the purpose hereinbefore directed, be respectively vested with the same power and perform the same duties within the limits of said city, which may be vested in and performed by any constables in the county of Kent, and shall be subject to the same liabilities, entitled to the same fees and take the same oath: *Provided*, That every such constable, before entering on the discharge of such duties, shall enter into a bond in the penal sum of two thousand dollars, or in such sum as the common council shall direct, with good and sufficient security, to be approved by the common council of said city, conditioned well and faithfully in all things to perform and execute the office of constable of said city during his continuance in office, and to pay to each and every person, or to said city, such sum or sums of money as such constable shall become liable to pay for or on account of any process which may be delivered to such constable; which bond shall be filed with the city clerk, and shall be liable to be put in suit in the same manner as sheriffs' bonds are by law.

Constables.

Fees.

Bond.

Sec. 41. All moneys to be raised by tax in said city shall be collected and paid over by the collector to the treasurer of said city, at each time and under such regulations as shall be prescribed by the ordinances of the common council.

Money collected.

Sec. 42. No money shall be drawn from the treasury unless it shall have been previously appropriated to the purpose for which it shall be drawn; and all ordinances, resolutions and orders directing the payment of money, shall specify the object and purpose of such payment, and shall be signed by the mayor and certified by the clerk of the common council, to the treasurer, before any payment shall be made by him; and all moneys shall be paid into the city treasury, except the county and State taxes.

Appropriations.

Sec. 43. The treasurer shall keep regular accounts of all the moneys received and disbursed by him, in books to be provided for that purpose, in which the name of every person to whom money shall be paid shall be entered at full length, and on what account

Treasurer's accounts.

the same was paid; which books shall at all reasonable hours be open to the inspection of any freeman of said city desiring the same; and it shall be the duty of the treasurer to inform the clerk of the city, from time to time, of any and all amounts of money in his hands, belonging to the city, and subject to be drawn out as aforesaid.

Accounts
audited

Sec. 44. No note, bond or other evidence of indebtedness of said city, shall ever be given or issued by the common council, or by any officer of said city, in their official capacity, whereby the said city shall become obligated to pay any sum or sums of money; but the common council may endorse on all accounts presented against the city the amount allowed by them to be due upon the same, an account of which shall be kept by the clerk of the city, in a book to be provided and kept by him for that purpose, and no order shall be drawn upon the treasury when there shall not be funds in the treasury to meet it; any officer of said city who shall offend against the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction, may be fined in a sum not exceeding one thousand dollars, or imprisoned for a term of not more than five years in the State prison, or by both fine and imprisonment, in the discretion of the court having jurisdiction of the same.

Penalty for
violation.

Process vs.
the city.

Sec. 45. Whenever any action or suit shall be commenced against said city, process against said city may be served by the leaving of a copy of such process, attested by the proper officer, with the clerk of said city, or in case he shall not be found in said city, then at his usual place of abode therein, whose duty it shall be to inform, forthwith, the mayor, recorder and aldermen thereof.

Record of
by-laws and
ordinances.

Sec. 46. It shall be the duty of the clerk to make and keep a just and perfect record of all and every law and ordinance made and established by said city, which shall be from time to time published; and all the corporate proceedings thereof, and the record so made by the clerk, shall at all times be open to the inspection of any freeman of said city.

Salaries &
fees.

Sec. 47. The mayor, recorder and aldermen, treasurer, solicitor and clerk, shall be entitled to receive, payable quarterly, out of the city treasury, in payment for their services, the following sums: to the mayor there shall be paid the sum of one dollar per annum; to the al-

Wormen, one dollar each per annum; the recorder shall receive such fees as shall be taxed in his favor by the mayor's court, against parties other than said city; and the treasurer shall receive a salary not to exceed ten dollars per annum; the solicitor shall receive a salary not to exceed twenty-five dollars per annum; and the clerk shall receive as full compensation for his services, not to exceed the sum of one hundred dollars per annum.

Sec. 48. The marshal, who shall also perform the duties of collector and street commissioner of said city, shall give a bond; in such ^{Marshal's} penalty and with such securities as the common council shall require ^{bond.} conditioned for the faithful discharge of his duties as collector, marshal and street commissioner; and shall receive, as full compensation, ^{Compensation.} three per cent. on all sums actually collected and paid over by him to the treasurer on the tax roll, or as street commissioner, not to exceed one dollar each day whilst employed as street commissioner; the same to be paid out of the moneys arising from the tax roll and commutations of highway taxes; and as marshal, such fees as may be taxed according to the ordinances of said city, against parties other than said city; and if such fees cannot be collected, he shall not have recourse to the city therefor: *Provided*, That if he shall perform any extra services, the common council shall have the power ^{Provided.} of allowing him a further compensation; not, however, to exceed in any one year the sum of twenty-five dollars.

Sec. 49. The common council of said city is hereby authorized and required to perform the same duties respecting said city as are ^{School, Co. and State taxes.} by law imposed upon the township boards of the several townships of this State in reference to schools, school taxes, county and state taxes, [and] all the other matters hereinafter mentioned.

Sec. 50. All state and county and school taxes in said city shall be collected in the same manner as is provided in reference to townships; and all proceedings for the return, sale and redemption of real estate taxed shall be the same, as near as may be, as is provided by law in reference to townships.

Sec. 51. At the general election, the mayor, recorder and alder- ^{Of general election.} men in the city of Grand Rapids, shall be inspectors of election, three of whom shall constitute a quorum. The clerk of the said city shall be clerk of the board. The said inspectors may appoint another competent person to be assistant clerk of the election, who shall take

the constitutional oath of office; which oath either of the said inspectors may administer.

General
election.

Sec. 52. The mode of conducting all state, district and county elections in said city shall be in the manner provided by law for the election of town and county and state officers, as near as may be: *Provided*, That the returns thereof by the common council shall be made to the county clerk, and the same proceedings had as are now provided by law for the return of votes by township inspectors of elections.

Justices of
the peace.

Sec. 53. The city of Grand Rapids shall elect four justices of the peace at their first city election, one in each ward, except the fourth and fifth wards, which shall elect one only, who may keep their offices in any part of said city; who shall continue to be chosen in the same manner, and with the like powers, and subject to the same duties and liabilities, as provided by law in relation to the election, powers and duties and liabilities of justices of the peace in the several townships of this State.

Terms of of-
fice, vacan-
cies, &c., of
justices.

Sec. 54. The provisions of law as to terms of office, resignation, vacancies and qualifications of township officers, shall apply to the corresponding officers of said city, as near as may be: *Provided*, That the notice of the time and place of the classification of justices of the peace, required by section eleven of chapter sixteen of the revised statutes, shall be given by the clerk of said city to the justices elected and the assessors, who shall attend to the classification in the manner provided by law.

Justices.

Sec. 55. The justices of the peace elected at the first election under this act, are hereby authorized to enter upon the performance of their duties as such as soon as they shall qualify according to law.

Officers to
take oath &
give bond.

Sec. 56. The assessors of each ward, the school inspector, justices, constables and clerk of said city, shall take the oath, give the bond, perform the duties, receive the compensation, and be subject to the liabilities, which are by law provided for the corresponding officers respectively of the townships of this state.

Duties and
pay of offi-
cers.

Sec. 57. The assessors, justices of the peace and school inspectors, and all other officers of the city whose duty it shall be to perform the duties of corresponding officers in the several townships of this State, shall perform like duties, receive the pay for like services, and

in the manner provided for the payment of corresponding township officers in the several townships of this State, except as is otherwise provided in this act.

Sec. 58. The mayor of the city of Grand Rapids shall have and exercise the powers and duties of supervisor, and the marshal of said city shall have and exercise the powers and duties of township treasurer, and the clerk of said city, in addition to his duties as city clerk, shall perform the duties of township clerk, as provided by law.

Duties of
mayor, clerk
& treasurer.

Sec. 59. The townships of Grand Rapids and Walker shall retain their present organization, subject to the alteration of boundaries herein provided; and the first annual township meeting under this act for said township of Grand Rapids, shall be held at the house of John W. Fisk; and the first township meeting for said town of Walker under this act, shall be held at or near the house of Mrs. Simonds in said township of Walker: *Provided*, That the provisions of law relative to the removal and adjournment of the place of holding such election shall apply to said meeting.

Grand Rap-
ids & Walk-
er town-
ships.

Election.

Sec. 60. All the rights of the corporation, known by the name of the president, trustees and freemen of the village of Grand Rapids, in and to all lands, tenements, hereditaments, wharves, market stalls, landing places, goods, chattels, moneys and effects whatsoever, and all other lands, tenements, hereditaments, rights, franchises, privileges, goods, chattels, moneys and effects, whereof any person or persons, bodies corporate or politic are possessed, which they, or any of them hold and enjoy in trust, for or to the use of the freemen of said village of Grand Rapids, be and they are hereby severally and respectively vested in the said corporation by this act created, by the name of the mayor, recorder, aldermen and freemen of the city of Grand Rapids, to and for the use of the same, and their successors forever, saving nevertheless, to all and every person and persons, bodies politic and corporate, his, her and their just rights therein, and all contracts made, or agreements entered into by the corporation of the village of Grand Rapids, be and the same is hereby made binding and obligatory upon the corporation hereby created.

Village
rights trans-
ferred to
city.

Sec. 61. To the end and intent that all and singular the estates and estate rights, privileges and interest aforesaid, may be had and received by the said mayor, recorder and aldermen, and be by them and

Records,
papers, &c.,
to be deliv-
ered over.

Authority to
convey.

and Silas Whitaker, minors, of the county of Oakland, be and they are hereby authorized and empowered to sell and convey all their interest in and to all that certain piece or parcel of land situate in the county of Livingston, and described as follows, to wit: The south-east quarter of the south-east quarter of section number twenty-eight, in township one north, range six east, containing forty acres, more or less, in as good, sufficient and ample a manner, and with the same effect as if the said Adeline, Sarah Ann, James, George and Silas Whitaker were of full age: *Provided*, That no such conveyance shall be of any effect unless the judge of probate of said county of Livingston, under his hand and the seal of his office, shall certify upon the back of such conveyance his approval of the same; and such approval shall be recorded with the said conveyance.

Proviso.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 250.]

AN ACT to locate the County Seat of the County of Sanilac, and for other purposes.

Commissioners
appointed;

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Governor be and he is hereby authorized and required to appoint three suitable and disinterested persons, not residents of said county, as commissioners to locate the county seat of the county of Sanilac.

their duties.

Sec. 2. Said commissioners shall meet within three months after the passage of this act, at such time and place in said county as they may designate, and after being duly sworn faithfully and impartially to discharge the duty assigned them, and also that they are not directly or indirectly interested in the said location, they shall proceed to examine the several places that may be proposed in said county, and shall establish said county seat at such place as they, or a majority of them shall consider for the best interest of said county, upon such land as shall be deeded to the county for that purpose. The quantity of land so conveyed shall be sufficient for the purposes contemplated by this act.

Sec. 3. Said commissioners shall be allowed the sum of three dollars per day each, for every day necessarily employed as aforesaid, which shall be paid to him or his order by the treasurer of said county, out of the first moneys which shall come into his hands belonging to said county. Compensation.

Sec. 4. The commissioners shall transmit a certificate, under their hands and seals, of the location of said county seat, to the Governor, within thirty days after said location shall be made; and the Governor, upon the receipt of the said certificate, shall cause the same to be recorded in the office of the Secretary of State, and notice thereof published in the State paper; and said location shall thereupon be the lawfully established county seat for said county. Governor, his duties.

Sec. 5. The supervisors of said county of Sanilac are authorized and empowered to borrow the sum of five hundred dollars, for such term of time as they shall see fit, not exceeding five years, at a rate of interest not exceeding seven per cent., and draw their warrants upon the county treasury therefor, for the purpose of erecting county buildings; and they are authorized and empowered to assess and collect a sufficient sum to pay the aforesaid amount, with the interest that may accrue thereon, on the taxable property of said county, in the same manner as other county taxes are assessed and collected, as fast as the aforesaid loan and interest shall become due. County loan.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 251.]

AN ACT to provide for the location of the seat of justice in the county of Kent.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the Governor be and he is hereby authorized and required to appoint three suitable and disinterested persons, not residents of said county, as commissioners to examine the present location of the county seat of the county of Kent, who shall meet in the month of September next, at such place as he may designate in said county, and after being duly sworn faithfully and im- Commissioners appointed

Their du-
ties.

partially to discharge the duties assigned them, and also that they are not directly or indirectly interested in the said location, they shall proceed and ascertain whether in their judgment it is now located at such place as will most promote the interests of said county; and if not, they shall examine the several places that may be proposed in said county, and shall establish said county seat at such place as they or a majority of them shall consider for the best interests of said county, upon such land as shall be deeded to the county for that purpose: *Provided*, The quantity of land to be conveyed shall not be less than one acre.

Pay.

Sec. 2. Said commissioners shall be allowed the sum of three dollars each per day for every day necessarily employed as aforesaid, and which shall be paid to him or his order by the treasurer of said county, out of the first moneys which shall come into his hands belonging to the county.

Executive;
his duties.

Sec. 3. The commissioners shall transmit a certificate of the location of said county seat to the Governor, within ten days thereafter, under their hands and seals; and the Governor shall thereupon order the same to be recorded in the office of the Secretary of State, and said location shall thereupon be the lawfully established county seat for said county, and notice thereof shall be published in the State paper.

Sec. 4. This act shall take effect from and after its passage.

Approved April 2, 1850.

[No. 252.]

AN ACT to provide for the improvement of a certain State road leading from Lansing in the county of Ingham, passing through the villages of Charlotte and Bellevue in the county of Eaton, to the village of Battle Creek in the county of Calhoun.

Highway
tax appro-
priated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That for the purpose of improving said road, there shall be and is hereby appropriated to be expended as hereinafter provided, the non-resident highway tax for the year 1849 which shall remain unexpended on the 15th day of April inst., and

For five years thereafter, upon lands owned by non-residents, upon the line of said road for the distance of one mile each way from the centre of said road, (excepting therefrom all taxes heretofore specifically appropriated:) *Provided*, That if any lot or description not exceeding eighty acres of land (owned by non-residents as aforesaid) shall be partially embraced within said limits and extend beyond said one mile, the highway tax upon said description shall be deemed appropriated as aforesaid.

Sec. 2. The special commissioners appointed by this act, in each of the counties of Eaton and Calhoun, shall have the superintendence of said road within their respective counties, and shall direct where the labor shall be performed on said road; and the commissioner in the county of Eaton shall also have the superintendence of said road lying in the county of Ingham, and the commissioner in the county of Calhoun shall also have the superintendence of that part of said road lying in the county of Barry.

Commissioners' duties.

Sec. 3. It shall be the duty of the special commissioner in the county of Eaton, to make out a correct list of all the non-resident lands covered by the provisions of this act, in the counties of Eaton and Ingham, on or before the 20th day of April instant, and on the 1st day of April in each succeeding year, and file the same with the county treasurer of the county wherein those lands are located. It shall be the duty of the commissioner in the county of Calhoun to make a like list of all the lands covered by the provisions of this act, and file the same with the county treasurer of the counties wherein those lands are located, within the time aforementioned. It shall be the further duty of said commissioners to furnish the township clerks [of] each town through which the said road passes, a list of all lands the taxes on which are appropriated on said road, whose duty it shall be to lay the same before the township commissioners at their meeting to make out the road taxes, who shall direct the several overseers of highways in said town to cause the same to be laid out and expended on said State road in their respective districts.

Thld.

Sec. 4. The county treasurers of the counties of Ingham, Eaton, Barry and Calhoun, respectively, shall each open accounts in a book to be provided for that purpose at the expense of the counties respectively, with the Battle Creek and Lansing State road fund, and shall

Duty of County Treasurers.

LAWS OF MICHIGAN.

credit the said fund all moneys that may be paid to them respectively under the provisions of this act, and shall charge to said fund all warrants drawn in pursuance of this act, all payments made to the commissioners on account of their services, and such other necessary expenses in carrying into execution the purposes of this act; which may be audited by the board of supervisors of the respective counties therein.

Contracts.

Sec. 5. The special commissioners, each in the counties hereinbefore specified, shall have power to let or contract by public auction, any job or work upon said road, giving public notice thereof by posting up three or more notices within the several townships in the county through which the road passes, as near as may be upon the line of said road, at least ten days before the letting of such contract; which shall be let to the lowest bidder, giving good security to the satisfaction of said commissioners, for the faithful performance of said contract.

Pay

Sec. 6. Whenever any such contract shall be performed, the commissioner shall certify to the fact upon such contract, and shall thereupon draw his warrant upon the county treasurer for the payment of the same out of the Battle Creek and Lansing State Road fund, and shall attach such warrant to the said contract; and in case any person having so contracted, shall fail in the performance of his contract, it shall be the duty of the commissioner with whom such contract was made, to cause the same to be prosecuted in his own name for the benefit of said fund.

Forfeiture
of contract.● Commission-
ers appointed.

Sec. 7. Silas E. Millet of the county of Eaton, and Erastus Hussey of the county of Oaloun, are hereby appointed special commissioners, under the provisions of this act; and before the said commissioners shall enter upon their duties, they shall take the oath prescribed by the laws of this State, and file the same with the county clerk of their respective counties.

Compensa-
tion.

Sec. 8. Each of the commissioners shall receive, as a compensation for their services, one dollar and fifty cents per day for each day actually employed in the business of said road, which actual employment each commissioner shall verify by his affidavit, and his account, so verified, shall be paid by the treasurer of his proper county out of said road fund.

Sec. 9. All moneys collected in a county shall be disbursed in the same county.

Sec. 10. Any person who shall refuse or neglect to perform the duties enjoined upon him by this act, shall forfeit and pay a sum ^{Penalty for neglect.} not exceeding twenty-five dollars; and any vacancies which may occur in any of the offices created by this act, may be filled by the board of supervisors of their respective counties.

Sec. 11. Any forfeiture incurred under and by virtue of this act, may be recovered in an action of debt before any justice of the peace, in the [name] of the people of the State of Michigan, which shall be paid to the treasurer of the county in which the forfeiture occurred, to be placed to the credit of the aforesaid fund. ^{Forfeiture; how collected.}

Sec. 12. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 253.]

AN ACT to vacate the village plat of New Milwaukie City, in the township of Birchville, in the county of St. Clair.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the village plat of New Milwaukie City, in the county of St. Clair and State of Michigan, be and the same is hereby vacated; and that all lands which have heretofore been known as the village plat of New Milwaukie City in the county of St. Clair, shall hereafter be assessed the same as though the same had never been platted and recorded as a village plat: *Provided* ^{Plat vacat'd} ^{Assessm't} however, That nothing in this act shall affect the rights of any person or persons, if any, who may have purchased any lot or lots in said city of Milwaukie, agreeable to the plat thereof.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

LAWS OF MICHIGAN.

[No. 254.]

AN ACT to authorize Nathan Curtis Galpin to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Nathan Curtis Galpin, a minor, of the county of Macomb, be and he is hereby authorized and empowered to sell and convey all that certain tract or parcel of land, situate in the county of Lapeer, and described as follows, to wit: the north-west quarter of the north-east quarter of section twenty-seven, in township six north of range eleven east, containing forty acres, in as good, sufficient and ample manner, and with the same effect, as if the said Nathan Curtis Galpin were of full age: *Provided*, That such conveyance be of no effect, unless the judge of probate of said county of Macomb, under his hand and seal of office, shall certify upon the back of said conveyance his approval of the same; and such approval shall be recorded with the said conveyance.

Sec. 2. This act shall take effect immediately.

Approved April 2, 1850.

[No. 255.]

AN ACT to amend an act entitled an act to lay out a State road in the counties of Montcalm and Kent, approved March 27th, 1848

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section one of an act entitled "an act to lay out a State road in the counties of Montcalm and Kent," approved March 27, 1848, be amended by striking out of said section the name of Ethan Satterlee, and inserting in place thereof the name of James Dockery; and amend section four of said act by striking out the word "two," in the fourth line, and inserting in place thereof the word "three."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850

[No. 256.]

AN ACT to alter the township line between Springwells and Greenfield, in the county of Wayne.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that part of Springwells that lies north of the centre of the plank or Grand River road, and west of the east side of the present traveled road that runs southerly from the south-west corner of fractional section thirty-six, town one south, range eleven east, is set off to and made a part of the township of Greenfield.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 257.]

AN ACT to amend act No. 158, session laws of 1849, entitled an act appropriating certain highway taxes for the improvement of a road leading from Paw Paw to Breedsville in Van Buren county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section one of act No. 158, session laws of 1849, be amended by striking out the word "three," where it occurs in the 14th line, and inserting in the place thereof the word "one."

Sec. 2. This act shall take effect immediately

Approved April 2, 1850.

[No. 258.]

AN ACT to provide for altering the State Road in the township of Moscow, county of Hillsdale.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the highway commissioners for the township of Moscow in the county of Hillsdale, shall have authority to alter the State road that runs through that township, on sections twenty-three and twenty-four, on application, the same as if the State road had been originally laid out by the township authorities. The

said commissioners shall first obtain the consent to such alteration, in writing, of the commissioners appointed by the State to lay out said road; and the notices to be given and right to appeal, and all proceedings and expenses shall be the same as if acting on township roads.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 259.]

AN ACT to amend chapter twenty-three of the revised statutes of 1846, relative to highway taxes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section two of chapter twenty-three of the revised statutes of eighteen hundred and forty-six, shall not apply to the counties of Chippawa, Marquette, Houghton, Schoolcraft and Ontonagon.

Sec. 2. That the commissioners of highways of each of the counties above named, shall meet at the office of the supervisor on the third Monday of July in each year, for the purpose of assessing a highway tax, and shall have free access to the assessment roll until they shall have completed their assessment.

Approved April 2, 1850.

[No. 260.]

AN ACT to revive and continue in force certain sections of an act entitled an act to incorporate the Trenton and Ypsilanti Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That sections one, two, three, four, five and six of an act to incorporate the Trenton and Ypsilanti Plank Road Company, approved March 24, 1849, be and the same are hereby continued in force for the term of two years from and after the passage of this act.

Sec. 2. Said company shall be subject to all general laws now in force, and the same are made a part of this act.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April, 2 1850.

[No. 261.]

AN ACT to amend an act to provide for the collection of a special tax for the improvement of the Territorial or Vistula road, in the counties of Lenawee and Hillsdale, approved March 17, 1847.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section four of said act is hereby amended by adding at the end of said section, the following words, to stand as part of said section: "That in case any town treasurer shall refuse to pay over any moneys that may be in his hands by virtue of this act, to the order of said commissioners or either of them, then and in such case it may be lawful for the said commissioners or either of them, and they are hereby authorized in their own names of office to commence suit against said township and recover judgment and collect in the same manner as is provided by law for the collection of demands against townships."

Sec. 4 of act
No. 77 of
1847, a-
mended

Sec. 2. Amend section five, by adding at the end of section five, to stand as part of said section, the following: "And they are hereby authorized to retain the same out of any moneys that may come into their hands by virtue of their office." Also, amend section six by inserting after the word "road," in the third line, as follows: "under the direction of the special commissioners or either of them."

Sec's. 5 and
6 amended

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 262.]

AN ACT to authorize the commissioners of Highways of the township of Plainfield in the county of Kent, to alter a State road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioners of highways of

the township of Plainfield in the county of Kent, may alter the State road in said township on sections fourteen and twenty-three, the same as they are authorized by law to alter township highways; and all proceedings shall be the same and subject to the same appeal as if said State road had been originally laid out by the township authorities.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 263.]

AN ACT to amend an act entitled an act to incorporate the village of Ypsilanti, and the act or acts amendatory thereof.

**Tax limit-
ed** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the common council of the village of Ypsilanti shall not raise by tax on property more than one hundred dollars in any one year, without the vote of the electors of said village approving such taxation, in the manner as hereinafter provided.

**Electors
vote to raise
tax.** Sec. 2. Whenever said common council shall deem it necessary to raise a greater sum of money than one hundred dollars, they shall obtain the consent of the electors of said village in the following manner, viz; they shall give notice thereof in writing, to be posted in five of the most public places in said village, at least ten days before the time of such meeting; which notice shall state the time and place of such meeting, and specify the objects and purposes for which the money proposed to be raised shall be expended.

Idid Sec. 3. When the electors of said village are so assembled, they shall, by a viva voce vote, determine the amount of money which shall be raised for each object so named and specified in the notice of such meeting: *Provided*, That no greater sum shall be raised in any one year than is now authorized by the existing laws.

**Alleys va-
cated.** Sec. 4. The following described alleys in said village be and the same are hereby vacated, to wit: all the alleys between the block of village lots lying between Washington and Adams streets, and south of Michigan street and north of Woodward street; also, all the al-

lays between Adams street and Hamilton street, and south of Michigan street and north of Catharine street; and so much of Woodward, Michigan and Catharine streets as lies between Adams street and Hamilton street; and also, that the alley between village lots numbers 354, 355, 357, 358, 359, 360, be and the same is hereby vacated.

Sec. 5. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 264.]

AN ACT to authorize George H. Murdock to convey real estate

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That George H. Murdock, a minor, in Berrien county, be and is hereby authorized and empowered, under the supervision and approval of the judge of probate of said county, to release and convey by deed, under his hand and seal, any lands and tenements of which he is now or may hereafter become seized. And such conveyances, so made, having the approval of the judge of probate for Berrien county endorsed thereon, shall be as valid and effectual in law, to all intents and purposes whatever, as if said George H. Murdock were, at the time of executing said conveyances, of the full age of twenty-one years.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 265.]

AN ACT to authorize Alonzo Bennett, Guardian of certain minors, to convey real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Alonzo Bennett, guardian of Alvira Dickerson, Ellen Dickerson, Adelbert Dickerson, Almira M. Dickerson,

Sale authorized. son, Amanda Dickerson and Arminda L. Dickerson, minor heirs of Silas Dickerson, late of Ypsilanti in the county of Washtenaw, deceased, be and he is hereby authorized to execute and deliver to the Michigan Central Railroad Company, a deed of conveyance of so much of the east half of the north-west quarter of section ten, in township three south of range seven east, as may be required by said company for the use and occupation of their railroad; which deed shall vest in the said Michigan Central Railroad Company and their assigns, as good and valid a title in law and equity to the lands so conveyed as existed in the said minors at the time of such conveyance: *Provided*, the judge of probate for said county of Washtenaw shall endorse his approval of such sale upon said deed.

Guardian to invest proceeds. Sec. 2. The said guardian shall, under the direction of the said judge of probate, invest the moneys received on such sale in such manner as shall be most for the interest of said minors.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 286.]

AN ACT to authorize Jane Kellogg and Edwin Kellogg to convey certain real estate.

Sale authorized. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Jane Kellogg, administratrix, and Edwin Kellogg, administrator on the estate of Charles Kellogg, in the county of St. Joseph, deceased, be and they are hereby authorized and empowered to sell and convey by deed, all the right, title and interest which the said Charles Kellogg had at the time of his decease in the following described land, to wit: The north fractional half of the north-east quarter lying north of Pigeon river, in section number seventeen of township number eight south of range number eleven west in the county of St. Joseph: *Provided*, The judge of probate for said county of St. Joseph shall approve of such sale and endorse his approval on such deed, under his hand and seal of office.

Sec. 2. This act shall take effect from and after its passage.

Approved April 2, 1850.

[No. 287.]

AN ACT to provide for laying out certain state roads in the county of Berrien.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Hiram Wells, Benjamin M. Lyon and Nathaniel Stratton, are appointed commissioners, whose duty it shall be to lay out a state road from the village of St. Joseph, on the most eligible route to the south-west corner of section 23, town 8 south, range 19 west. Commissioners.
Route.

Sec. 2. Nathan Stratton, Benjamin M. Lyon and Daniel Mead, are appointed commissioners, whose duty it shall be to lay out a state road on the most eligible route from the north-west corner of section 35, in the township of Niles, to the village of Buchanan, thence through the township of Wesaw, thence to the village of New Buffalo. Commissioners.
Route.

Sec. 3. Jacob Hong, James H. Wilson and Matthew M. Paddock, are appointed commissioners, whose duty it shall be to lay out a state road on the most eligible route from the Terra Coupie station, in the township of Bertrand, to the quarter post on the west side of section 35, town 7 south of range 19 west. Commissioners.
Route.

Sec. 4. In carrying out the provisions of this act, the same proceedings shall be observed and all the expenses paid by the townships through which the several roads may be laid as the present law provides for laying out township roads, except it shall not be necessary to give notice to the owner of lands before surveying; and the commissioners of highways in the several townships through which any of the said roads may be laid out, are hereby required to settle with any person for damages, and open and improve the said state roads, the same as if they were laid out and established by the township authorities; and they are required to lay out all the non-resident taxes on said roads for one mile on each side of the same for the term of three years from the passage of this act. Expenses how paid.
Non-resident taxes.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 268.]

AN ACT to incorporate the Almont Young Men's Society.

Incorporation. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the members of the Almont Young Men's Society, and all such persons as shall be associated with them for the purposes hereinafter mentioned, and their successors, be and they are hereby ordained, constituted and appointed a body politic and corporate, in fact and in name, under the name of the Almont Young Men's Society, for the purpose of moral and intellectual improvement; and by that name, they and their successors may have perpetual succession, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all suits, complaints, matters and causes whatsoever, either in law or equity; of having a common seal; of enacting all by-laws for the regulation of the officers and members of said society; of acquiring by gift, devise, purchase or otherwise, and of holding and conveying any real, personal or mixed estate whatsoever, necessary and proper for the objects of this incorporation: *Provided,* The same shall at no time exceed five thousand dollars.

General powers.**Officers.****Board of directors; powers and duties.**

Sec. 2. And for carrying into effect the provisions aforesaid, there shall be a president, vice-president, secretary, treasurer, auditor, librarian and seven managers, who, together, shall constitute a board of directors; and shall, as such, keep a record of their proceedings. be empowered to establish and superintend a library, elect members, and for good causes expel the same, subject to an appeal to the society, fill all vacancies occurring between each annual meeting in their own body, direct all the affairs, control and dispose of all funds, estates and effects of said society, and do every other act, matter and thing necessary and proper for the good government of the same, not inconsistent with the by-laws and this act of incorporation; seven of whom shall constitute a quorum for the transaction of all business.

Annual meeting.**Election.**

Sec. 3. There shall be an annual meeting of the society on the first Monday in July in each year; at which shall be held an election of officers and managers, who shall be elected by a majority of the members present; and they shall hold their offices for one year, or

until others be chosen in their places: *Provided*, That in case it shall at any time happen that an election of officers and managers shall not be made on the day aforesaid, said corporation shall not be dissolved, but it shall and may be lawful to hold such election at any time thereafter: *Provided*, There be a public notice given three weeks prior to the time said election is to be held. Proviso

Sec. 4. That the lands, tenements, &c., which it shall be lawful for said corporation to purchase, shall be only such as shall be required for its accommodation in relation to the convenient transaction of its business; and all moneys belonging to said corporation, whether derived from dues, fees, gifts or otherwise, shall be expended for the purchase of such books as the society shall direct: *Provided*, Such money or a portion thereof shall not be required to defray the necessary expenses of said corporation. Real estate.
Purchase of books.
Proviso.

Sec. 5. That of the said Almont Young Men's Society, Virgil Parmlee shall be president, N. H. Readman, vice president, Gavin E. Calkin, secretary, Hiram C. Welles, treasurer, George W. Culliver, librarian, and James Taggart, auditor; S. D. McKeen, O. P. Strowbridge, James S. Johnson, Henry Osborne, W. A. Hitchcock, Amaziah Roberts and John Parmlee, managers; who, together, shall constitute the first board of directors of said society, and shall hold their said offices until the first Monday in July, A. D. 1850, or until others be chosen in their stead, according to the provisions of this act. First officers.

Sec. 6. This act may be altered, amended or repealed by any future Legislature, with the assent of at least a majority of the members of each house. The directors of said society shall be jointly and severally liable for all debts contracted while they are in office, but no execution shall issue against the individual property of the trustees, until the property of the society shall have been first exhausted. Repeal and liability.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

LAWS OF MICHIGAN.

[No. 269.]

AN ACT to vacate a portion of the village of Grand River City in the county of Eaton.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Michigan, That all that part of the village of Grand River City, in the township of Delta, in the county of Eaton, lying north of Anti street, in said village, be and the same is hereby vacated: *Provided,* That said vacation shall not take place until the several proprietors of the part so vacated shall file with the register of deeds of said county, in writing, under their hands and seals, their assent to such vacation.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 270.]

AN ACT to amend an act entitled an act to provide for funding the outstanding Internal Improvement Warrants of this State, and also for liquidating and funding the amount of principal and interest actually due upon the part-paid Five Million Loan Bonds, approved April 1, 1848.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Michigan, That upon the surrender at the treasury of the State, of any of the said part-paid five million loan bonds still outstanding, in payment of any demand due to the State, for which said part-paid bonds are now by law receivable in payment, the holder of the same shall be entitled to receive from the Governor of this State certificates specifying the number of bonds so surrendered, with the amounts payable thereon by the terms thereof, and declaring said holder, his legal representatives and assigns, entitled to demand and receive, to their own use, from the United States Bank and Morris Canal and Banking Company, or from the trustees or other legal representatives of said institutions, in sums proportionate to the amounts of their respective bonds, whatever may be due from the said United States Bank and Morris Canal and Banking Company, or either of them, to the State of Michigan, growing out of the negotiation with said institutions, or either of them,

Holder of
certain
bonds entit-
led to cer-
tificates

of the five million loan bonds aforesaid: *Provided*, That nothing herein contained shall be construed as any recognition on the part of this State of its indebtedness upon the said five million loan bonds beyond the amount heretofore acknowledged by this State to have been received upon said bonds; and that a clause embodying this section shall be inserted in the certificate to be issued under the provisions of this section. *Provide.*

Sec. 2. That in all cases where holders of any of the said part-paid five million loan bonds have, since the passage of the act hereby amended, surrendered any of said part-paid bonds at the treasury of this State in payment of any demand due to this State, and the same have been accepted in payment, such holder, upon furnishing to the Governor proof of the facts in this section mentioned, shall be entitled to receive from the Governor like certificates in all respects as mentioned in section one of this act. *Bond holder entitled to certificates.*

Sec. 3. That all bonds issued under the provisions of section 8 of the act hereby amended, and the coupons as they severally become due, shall be receivable in payment at the treasury of this State, at the amount payable thereon by the terms thereof, in all cases where by law the part-paid bonds aforesaid would be receivable in payment: *Provided*, That when said bonds shall be paid in before the time when interest commences to run on the same, interest shall be deducted therefrom from the time of payment to the time when interest would have commenced to run on said bonds: *And provided also*, That all coupons not past due shall remain attached to said bonds whenever paid in. *Bonds receivable at the Treasury.*

Sec. 4. That if any of the bonds or stock issued, or to be issued, under the provisions of section 8 of the act hereby amended, shall at any time hereafter be surrendered at the treasury of this State, in payment, as provided in section three of this act, the holder of the same shall, upon making such surrender, be entitled to receive from the Governor of this State like certificates in all respects as is provided for in the first section of this act. *Holders of certain bonds entitled to certificates.*

Sec. 5. All certificates to be issued under the provisions of this act, shall be issued under the great seal of the State, signed by the Governor, and countersigned by the Secretary of State, and a register of their numbers, dates, amounts, and the names of the persons *Certificates, how issued and registered.*

to whom issued, shall be kept by the State-Treasurer in a book to be provided for that purpose.

Sec. 6. This act shall take effect from and after its passage.

Approved April 2, 1850.

[No. 271.]

AN ACT to amend section one, chapter ninety-five, title twenty-one of the revised Statutes of eighteen hundred and forty-six.

Sec. 1 amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section one of chapter ninety-five, title twenty-one of the revised statutes of eighteen hundred and forty-six, be and the same is hereby amended by striking out from the first line of section one of said chapter, the words "a commissioner," and insert the words "two commissioners;" also, insert after the word "chambers," in the second line, the words "each of whom;" and also, strike out the words "his office," in the last line of said section, and insert the words "their offices;" so that said section shall read: "Two commissioners to perform the duties of a Justice of the Supreme Court at chambers, each of whom to be denominated a circuit court commissioner, to reside in each of the counties of this state, shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold their offices for the term of four years."

Duties of
Circuit
Court com-
missioners

Sec. 2. In all cases where, by the provisions of any law of this state, any act, or the discharge of the duties of any other office, are required to be done or performed by the circuit court commissioner of any county, such act or duties shall be done or performed by the circuit court commissioner of any such county who holds the oldest commission.

Ena.

Sec. 3. Whenever in any case application shall be made to any one of the circuit court commissioners of any county for the allowance of a writ of certiorari, and such application shall be by such commissioner rejected or disallowed, the same application shall not thereafter be entertained nor writ allowed thereon by the other circuit court commissioner of any such county.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 272.]

AN ACT to amend section forty-two of chapter twelve, title three of the Revised Statutes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section forty-two of chapter twelve, title three of the revised statutes, be amended by inserting at the end of the sixth line of said section as printed, the words, "and one hundred copies for the use of the Regents of the University." Add to said section, also, "one hundred copies for the use of the officers making such report."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 273.]

AN ACT to authorize Harriet J. Sergeant, Caroline Beckwith and Olive E. Carter to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Harriet J. Sergeant, wife of Samuel Sergeant, Caroline Beckwith, wife of William Beckwith, and Olive E. Carter, be and they are hereby authorized to sell and convey, by deed or deeds, all their right, title and interest, respectively, in and to the south part of north-west fractional quarter of section thirty-two, and south part of east half of north-east fractional quarter of section thirty-one, all in township two south of range two east, containing one hundred and twenty-five acres, more or less; and such deed or deeds shall vest in the purchaser or purchasers of the same or any part thereof, as full, valid and perfect a title, in the law, to the lands so conveyed, as existed in the grantors, respectively, at the time of such conveyance: *Provided*, The judge of probate for the ^{Authority to convey.} *Provide*.

Guardian to
invest pro-
ceeds.

county of Waabtenaw shall endorse his approval upon any deed or deeds which may be given under the provisions of this act: *And provided further*, That the proceeds of any such sale or sales shall be faithfully invested by the proper guardian of said Harriet, Caroline and Olive, (who is hereby authorized to superintend any such sale or sales,) in a manner to accumulate for their benefit during their minority: *And provided further*, That the mode and manner of such investment shall also be submitted to and receive the approval of said judge of probate.

Sec. 2, This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 274.]

AN ACT to incorporate the St. Joseph Rail Road Company.

Com-
missioners.

Sub-
scriptions.

Notice.

Capital.

Incor-
poration.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Shubael Conant, Junius H. Hatch, Calvin Britain, Tolman Wheeler, Rodney C. Paine, Benjamin C. Hoyt, Jacob Compton, Thomas Fitzgerald, Warren Chapman, Jesse E. Stevens and Henry Morton, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the St. Joseph Rail Road Company, hereby incorporated; and they may cause books to be opened at such times and places as they shall direct, for the purpose of securing subscriptions to the capital stock of said company, first giving thirty days' notice of the times and places of taking such subscriptions in some newspaper printed in the city of Detroit and in the village of Niles.

Sec. 2. The capital stock of said company shall be five hundred thousand dollars, in five thousand shares of one hundred dollars each; and as soon as two hundred shares of said stock shall be subscribed, the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic, by the name and style of the St. Joseph Rail Road Company, with perpetual succession; and by that name shall be capable in law of purchasing, hold-

ing, selling, leasing and conveying estate, either real, personal or mixed, so far as the same may be necessary for the purposes hereinafter mentioned, and no further; and in their corporate name may sue and be sued; may have a common seal which they may alter and renew at pleasure; and shall have, enjoy and may exercise all the powers, rights and privileges which appertain to corporate bodies for the purposes mentioned in this act. General powers.

Sec. 3. Said company hereby created shall have power to construct a rail road with a double or single track from the village of St. Joseph in the county of Berrien, on the most direct and eligible route to some point on the Michigan Central Rail Road track in the county of Berrien, Cass or Van Buren, with power to take, transport and carry property and persons upon the said rail road or any part thereof herein authorized to be constructed, by the power and force of steam, or of animals, or of any mechanical or other power, or of any combination of them which the said company may choose to apply. Route.

Sec. 4. If said corporation shall not, within five years after the passage of this act, commence the construction of the said road, and shall not, within ten years after the passage of this act, construct, finish and put in operation the whole of said rail road, then the rights, privileges and powers of the said corporation shall be null and void, so far as it regards such part of said rail road as shall not be finished within the periods limited by this act. Limitation.

Sec. 5. Whenever two hundred shares of the capital stock shall have been subscribed, if within four years from the passage of this act, the commissioners shall call a meeting of the subscribers at such time and place as they may appoint, by giving thirty days' public notice of such meeting, and shall lay the books of subscriptions before the subscribers then present; and thereupon the said stockholders, or a majority of them, shall elect seven directors by ballot, a majority of whom shall be competent to manage the affairs of said company; and all of whom shall be stockholders in said company; and said directors are empowered to elect one of their number president; and on all occasions when a vote of the stockholders is to be taken, each and every share shall entitle the holder thereof to one vote, either by himself in person or by proxy. First meeting.
Election of directors.
Vote.

seedling two hundred feet in width from said rail road; the said company taking all such lands as gifts, or purchasing or making satisfaction for the same in manner hereinafter provided.

May enter upon lands.

Sec. 11. The said company, and under their direction, their agents servants and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of or belonging to the state, or to any person or persons, bodies politic or corporate, and to survey and take levels of the same, or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for making said rail road, with one or more sets of tracks or rails, and for all the purposes connected with said rail road, for which said company by the last preceding section is authorized to take, have or appropriate any lands; and to fell and cut down all timber and other trees standing, or being within one hundred feet on each side of said line of railroad; the damages occasioned by the felling of such trees, unless otherwise settled, to be assessed and paid in manner hereinafter provided for assessing and paying damages for land taken for

May appropriate timber.

Damages.

the use of said company; and also to make, build, erect and set up in and upon the route of the said rail road, or upon the land adjoining or near the same, all such works, ways, roads and conveniences as may be requisite and convenient for the purposes of said rail road; and also, from time to time, to alter, repair, amend, widen or enlarge the same, or any of the conveniences above mentioned, as well for the carrying or conveying goods, commodities, timber or other things to and upon said rail road, as for carrying or conveying all manner of materials necessary for making, erecting, furnishing, altering, repairing, amending, widening or enlarging the works of or connected with said rail road, and to contract or agree with the owner or owners thereof, for earth, timber, gravel, stone or other materials, or any articles whatsoever, which may be wanted in the construction or repair of said road or any of its works or appurtenances; and also, to make, repair, maintain and alter any fences or passages under or through said rail road, or which shall communicate therewith; and to construct, erect and keep in repair any piers, arches or other works in, upon and across any rivers or brooks, for making, using or maintaining the said rail road and side paths; and also to construct, make and do all other matters and things which may be

General powers concerning the construction and repair of road.

necessary and convenient for making, effecting and preserving, improving, completing and using the said rail road, in pursuance of, and within the true intent and meaning of this act, they, the said company, doing as little damage as possible in the execution of the several powers to them hereby granted, and first making satisfaction in manner hereinafter mentioned, for all damages to be sustained by the owners or occupiers of said lands, tenements and hereditaments, before appropriating the same to the construction of said road. Damages.

Sec. 12. The said company shall have power and authority to receive, take and hold all such voluntary grants and donations of land and real estate for the purposes of said rail road, as may or shall be made to said company, to aid in the construction, maintenance and accommodation of said rail road; and said company may contract and agree with the owners or occupiers of any such lands upon which the said company may wish to construct the said rail road or way, or which said company may wish to use or occupy for the purpose of excavation, or procuring stone, sand, gravel, earth or other materials to be used in embankments or otherwise, in or about the construction, repair or enjoyment of said rail road, or which the company may wish to use or occupy in any manner, or for any purpose or purposes connected with said rail road, for which the said company is authorized or empowered by this act to take, have or appropriate any lands, and to receive and take grants and conveyances of any or all such lands, and of any or all interests or estates therein, to them and their assigns, in fee or otherwise; and in case said company cannot agree with the owners or occupiers of such lands as aforesaid, so as to procure the same by the voluntary deed or act of such owner or occupier thereof; or if the owners or occupiers, or either or any of them, be a feme covert, under age, non compos mentis, unknown or out of the county in which the land or property wanted may lie or be situate, application may be made to the circuit court commissioner, county judge, or judge of probate of such county in which the lands are situate, or a judge of the supreme court, for an assessment and inquisition as hereinafter provided. General powers concerning the construction and maintenance of road.

Sec. 13. Previous notice of such application shall be given to the owner or occupier of the land to be taken, either by personal service

Assessment of damages. of such notice, three days before making such application, or by public advertisement for three weeks previous to such application, in some newspaper published in the same county, if there be one; and if there be none so printed in the same county, then such notice to be published in a newspaper printed in an adjoining county, if there be any newspaper printed in an adjoining county; and if there be no paper so printed in an adjoining county, such notice to be published in the State paper, if there be one; and if there be none, then in some newspaper printed in the city of Detroit: such notice shall describe the land proposed to be taken by the company, or touching which damages are to be assessed, by the section and quarter section; or if in a city or village, by the section, block and number of lot, or by some other suitable and proper description; and any irregularity or defect touching such notice shall be taken advantage of in showing cause against the confirmation of the assessment or inquisition of damages had or found, and not otherwise. Evidence of the publication of such notice may be perpetuated by an affidavit duly made by the printer or publisher of the newspaper in which such notice was published, or some disinterested person knowing the fact; such affidavit, when made within three months after the last publication of such notice, shall be prima facie evidence of the facts therein set forth.

Reid.

Jury.

Sec. 14. The commissioner or judge to whom such application shall be made, shall thereupon proceed to the office of the clerk of said county, and direct him to draw twelve names from the petit jury box of the county, and the clerk shall thereupon draw twelve names from such box accordingly; and the said judge or circuit court commissioner to whom such application was made, shall thereupon issue his warrant, under his hand and seal, inserting therein the twelve names so drawn by the clerk; and the twelve names so drawn from the petit jury box shall be thereupon deposited again by the clerk in said box, and the warrants so issued as aforesaid shall be directed to the sheriff of said county, or if the sheriff be interested, then to one of the coroners of said county, or in case the sheriff or coroners be jointly or severally interested, to some constable of said county, requiring him to summon the twelve persons whose names are inserted in such warrant, as jurors, to meet on or near the land

or property or materials to be valued, or touching which damages are to be assessed, on a day named in said warrant, not less than five nor more than ten days after issuing the same; and if at the said time and place any of the persons summoned do not attend, the said sheriff or coroner shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a panel of twelve jurors, and from whom each party, or his, her or their agent or attorney, or if either be not present in person or by agent, the sheriff, coroner or constable for him, her or them, may strike off three jurors, and the remaining nine shall sit as a jury of inquest of damages; and before they act as such, the sheriff, coroner or constable shall administer to each of them an oath or affirmation, that ^{Oath.} they will justly and impartially value the damages which the owners or occupiers have sustained, or will sustain by the use or occupation of the land, or the taking of the materials or other property required by the said company, and the said jury shall reduce their inquisition to writing, and shall sign and seal the same; and two originals of such inquisition shall be made and executed on the same day, one of which shall be delivered to the said company, and the other to the party claiming compensation; and the property taken, and the boundaries of the land to be taken or occupied by the said company, touching which the inquisition is made, and a map thereof, shall be set forth in such inquisition; and such inquisition shall be filed in, and shall also be confirmed by, the circuit court of said ^{Circuit co may confirm} county at its next session, upon motion for that purpose made, if no sufficient cause to the contrary be shown; and when confirmed, the same shall be recorded by the clerk of such court, at the expense of said company; but if not confirmed, another inquisition may be taken in the manner above specified.

Sec. 15. And the money assessed as the valuation in any such inquisition, which shall have been confirmed, being paid or legally tendered to the party entitled to the same, the property so taken and valued shall immediately thereupon vest in such company as fully as if the same had been transferred by lawful deed by the owner or occupier thereof, for such term of time as the same may be required for the purposes authorized by this act; and in case the party entitled to receive such money shall not appear before the jury which makes the inquisition and make claim to such land, or shall not ap- ^{Pay or tender of damages.}

pear to demand or accept the money assessed as the valuation in any inquisition, then a deposit with the Treasurer of the State of the amount of money assessed as the valuation or damages by any such inquisition, together with a certified copy of the inquisition, shall be considered equivalent to payment or a tender thereof to the person entitled to the same; and the State Treasurer shall receive and keep account of all moneys so received into the treasury, and shall pay them to the parties entitled thereto, on the order of the chancellor or a justice of the supreme court; and such inquisition when confirmed shall have the effect of a judgment, and execution may be ordered to issue thereon against said company, in favor of the person to whom damages were awarded by such inquisition and confirmation thereof, at the expiration of sixty days from the time of such confirmation, unless prior thereto said company shall have satisfied the damages found or assessed by such inquisition in manner aforesaid; and if at any time it shall by any means happen that said company shall be in possession or occupancy of any land, the title to which, or the full right of use and occupancy whereof, for the purposes of said company in manner aforesaid, shall not have been duly relinquished to or vested in said company, then in any and all such cases said company may acquire such title or rights of use and occupation by voluntary grant thereof or by inquisition thereupon and therefor, to be made and found and the payment of the value or damages found or assessed in manner and form above prescribed, and the commissioner or judge issuing the warrant, and the sheriff, coroner or constable and jurors to be summoned under this act, shall be entitled for the services rendered by them, to such compensation as may be fixed therefor by the chancellor or a justice of the supreme court, by an order made for that purpose to be made by him, and which costs shall be paid by said company.

Sec. 16. Whenever in the construction of said rail road it shall be necessary to cross or intersect any established road, it shall be the duty of said company so to construct said rail road across such established road, as not unnecessarily to impede the passage of persons or property along the same; and when it shall be necessary to construct it through the lands of any individual, it shall be their duty to provide for such individual proper wagon ways, and keep the same in repair across said rail road from one part of his land to another.

¹Duty of co.
during con-
struction.

Sec. 17. If said company shall neglect to provide proper wagon-Damages
ways across said rail road, and keep the same in repair, as required for non-
by the preceding section of this act, it shall be lawful for any indi- compliance
vidual to sue said company and to recover such damages as a court
or jury may think him, her or them entitled to for such neglect or
refusal on the part of said company.

Sec. 18. If it shall be necessary for the said rail road company,
in the selection of the route or the construction of the said rail
road, to be by them laid out and constructed, or any part of it, to
connect the same with, or to cross any rail road, canal, dam or
bridge made or erected by any incorporated company, or authorized
by any law of this State, it shall be lawful for said company to con- May con-
tract with such other corporation for the right to cross or use such tract with
road, canal, dam or bridge, or for the transfer of such of the corpo- other co's.
rate or other rights and privileges of such corporation to the said to cross or
company hereby incorporated, as may be necessary in that respect; connect
and every such other corporation acting under the laws of this State with their
is hereby authorized to make such contract or transfer by and road, &c
through the agency of the persons authorized by the respective acts
of incorporation to exercise their corporate power, or any of the
rights and privileges aforesaid; and every contract or transfer made
in pursuance of the power and authority hereby granted, when ex-
ecuted by the several parties, under their respective corporate seals,
shall vest in the company hereby incorporated, all such rights and
privileges, and the right to use and enjoy the same, as fully as they
are used and enjoyed by the said corporation in whom they are now
vested.

Sec. 19. The said company shall have power to purchase with the Powers.
funds of the company, or contract for and place on the rail road
constructed by them under this act, all machines, wagons carriages
or vehicles of any description which they may deem necessary and
proper for the purposes of transportation on said rail road, and they
shall have power to charge for tolls and transportation such sums as
shall be lawfully established by the by-laws of said company; and it
shall not be lawful for any other company or any other person to Tolls
transmit any passenger or merchandize, or property of any de-
scription whatever, upon said rail road or any part of it, without the

license or permission of said company; and the said rail road, with all its improvements, works and profits, and all machinery used on said rail road for transportation, and all the machine shops, depots, buildings and edifices connected with said rail road, shall be vested in the said company forever; and the shares of the capital stock of said company shall be considered personal property, and shall be transferrable on the books of said company agreeably to the by-laws of said company, and subject to be taken in execution agreeably to such laws as are or may be hereafter in force.

Stock personal property.

Tolls. Sec. 20. The said company shall have full power and authority to ask for, demand, recover and take the tolls or dues to and for their own proper use and benefit, on all goods, merchandize and passengers using or occupying the said rail road or any other convenience, erection or improvement built, occupied or owned by the said company, to be used therewith. But such tolls or dues shall not exceed the maximum to be charged by the Michigan Central Rail Road Company, for corresponding distances; and they shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same, as well as the manner of collecting all tolls and dues on account of transportation and carriage, and storage; and shall have full power to erect and maintain such toll houses and other buildings for the accommodation and proper transaction of their business, as to them may seem necessary.

Storage. Said company may charge and collect a reasonable sum for storage on property transported by them on said road, on delivery thereof at any of their depots, which property shall have remained so stored more than five days after notice to owner or consignee, if known, at his usual place of business or residence, or after notice by mail sent to owner, if consignee not known. And said company shall transport merchandize and property and passengers upon said road without partiality or favor, and with all practical dispatch, under a penalty for each violation of this provision of one hundred dollars, to be recovered by the party aggrieved, in an action of debt against said company. But soldiers, sailors and marines, and officers of the army and navy of this State, or in the service of the United States, and arms, ordnance, military stores and munitions of war, shall take precedence of other persons or property, first in favor of this State, second of the United States.

Penalty.

Sec. 21. Whenever it shall be necessary, for the construction of their railroad, to intersect or cross any stream of water or water ^{Crossing} course, or road or highway lying on the route of said railroad, it ^{highways or} shall and may be lawful for the company to construct their railroad ^{water cour-} across or upon the same: *Provided*, That the company shall restore the stream or water course, road or highway, thus intersected or crossed, to its former state, or in a sufficient manner not unnecessarily to impair its usefulness.

Sec. 22. The said company may, annually or semi-annually, make ^{Dividends.} such dividend as they may deem proper, of the nett profits, receipts or income of the said company, deducting the necessary expenses; and they shall make a dividend among the stockholders of the said company in proper proportions to their respective shares.

Sec. 23. It shall be lawful for the directors to require payment of the sums subscribed to the capital stock of said company, at such ^{Payments} times and in such proportions, and on such conditions as they shall ^{of stock.} deem proper and necessary in the execution and progress of the work, and direct the same to be paid to the treasurer of the corporation. And the treasurer shall give notice of all such assessments; and in case any subscriber or stockholder shall neglect to pay an assessment on his shares for the space of thirty days after the time in such notice specified for the payment thereof, as shall be prescribed by the by-laws of said corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving such notice as may be prescribed aforesaid, to the highest bidder, ^{Sale in case} and the same shall be transferred to the purchaser on the books, by ^{of non-pay-} the president thereof; and such delinquent subscriber or stockholder shall be held accountable to the company for the residue of the assessments, not satisfied by the proceeds of such sale of his share or shares, if sold for less than the assessments due thereon, with the interest and costs of sale, and such costs and interests to be first paid from the proceeds of such sale; and shall be entitled to the surplus if his share or shares shall sell for more than the assessments due, with interest and cost of sale: *Provided however*, That no assessment shall be laid upon any shares in said corporation for a greater amount in the whole than one hundred dollars upon each share.

Power of
directors.

Sec. 24. The directors shall have full powers to conduct the affairs of said company, and to exercise any powers which said company might exercise, except where provision is made by this act for the exercise of such powers by the stockholders at their annual or special meetings, or where the powers of the directors may be restrained by the by-laws of said company.

Report.

Sec. 25. The directors of said company shall, annually, on or before the twenty-fifth day of January, make a report to the Secretary of State, which shall embrace the business of the preceding year to the first day of January, stating the length of their road in operation, cost of construction, and the indebtedness of the company for materials or work in progress of delivery or execution on account of construction, as near as can be conveniently ascertained, and all other indebtedness, if any there be; the amount of capital stock subscribed, and the amount actually paid in; and the amount of all loans made by said company for the purpose of constructing said road; the amount of dividends; the names of the stockholders, with the amount of stock owned by each, respectively; receipts from freight, from passengers, and from all other sources, on account of operating the road; the number of through and way passengers, respectively; the expenditures for the repairs of the road; for the repairs of engines and cars, and other expenditures, which three items shall include all the expenditures for operating the road, and the expenditures made for construction during the year; the number of engines, of passenger, freight and other cars; the average number of men in employment of the company; the number of miles run by passenger, freight and other trains; which report shall be verified by the affidavit of at least two of the directors, and filed in the office of the Secretary of State.

State tax.

Sec. 26. The said company shall pay to the State an annual tax of half of one per cent. upon its capital stock paid in, including all loans made by said company for the purpose of constructing said rail road, until the first Monday of February, A. D. 1866, and thereafter an amount of three-fourths of one per cent. on the capital stock paid in, including all loans made to such company; which tax shall be paid in the last week in January in each year to the State Treasurer, and the property and effects of said company, whether real,

personal or mixed, shall, in consideration thereof, be exempt from all and every tax, charge and exaction, by virtue of any laws of this State now or hereafter to be in force, except penalties by this act imposed.

Sec. 27. The state shall have a lien upon the rail road of said company, its appurtenances and stock thereon, for all penalties, taxes and dues which may accrue to the state from said company, which shall take precedence of all other debts and demands, judgments or decrees against said company; and every inhabitant of this state shall have a lien upon said rail road, stock and appurtenances, and upon the property of said company, for all penalties, dues or demands against said company to the amount of one hundred dollars, originally contracted within this state, which, after said state lien, shall take precedence of all other debts or demands, judgments or decrees, liens or mortgages against said road or company. Lien.

Sec. 28. If any person shall wilfully or maliciously do, or cause to be done, or aid in doing or causing to be done, any act or acts whatever, whereby any building, construction or work of said company, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall be guilty of a misdemeanor, and may be punished upon conviction, by fine, or by imprisonment not exceeding five years, or both, at the discretion of the court; and shall forfeit and pay to said corporation the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said company, with costs of suit, by action of trespass or trespass on the case. Penalty for
injuring
road.

Sec. 29. Said company shall at all times, if required by the Post Office Department, transport the United States mail upon said road, as often as their cars shall pass thereon, not exceeding twice in each day, for such compensation as shall be agreed upon by said company and said department; and in case no such agreement can be made, it shall be lawful for the Governor of this state to appoint one commissioner and said company one, who, in case they cannot agree, shall appoint a third commissioner; which said commissioners or a majority of them, shall agree upon and fix the price, terms and conditions of transporting such mail, after fifteen days' notice to said United
States mail.

company: *Provided*, That nothing herein contained shall be construed to require any of the vehicles of said company to wait at any office for the change of mail.

State may
purchase.

Sec. 30. The state may at any time, after twenty years from the approval of this act, purchase and take from said company said rail road and all the effects, assets and property of said company; and said rail road, property and appurtenances (subject to all existing mortgages or other liens thereon on account of loans, the proceeds of which shall have been invested in the said road and other works of said company) shall fully and forever vest in and become the estate, property and effects of the state, to all intents and purposes, so soon and whenever, after the day aforesaid, the state shall pay, or cause to be paid to said company, the value of the entire stock of said shares in said company, at the market value of such stock or shares, and ten per cent. in addition to the market value of such stock or shares. The market value of said stock or shares to be ascertained by the supreme court of this state, in case the said company and the state cannot agree upon said value.

Repeal.

Sec. 31. This act shall be and remain in force from and after its passage; but the legislature may at any time alter, amend or repeal the same by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall appear to the legislature that there has been a violation by the company of some of the provisions of this act.

Lien.

Sec. 32. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands, not exceeding one hundred dollars each, against said company, originally contracted or incurred within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company.

Sec. 33. This act shall take effect from and after its passage.

Approved April 2, 1850.

[No. 275.]

AN ACT to amend chapters thirty-nine and one hundred and seventy-one of the Revised Statutes of 1846.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section seven of chapter thirty-nine of the revised statutes is hereby repealed, and the following shall stand in place thereof: "Sec. 7. It shall be the duty of the keeper of every jail to lay before the county judge of his county, on the first day of every term, a list of all the persons committed to jail as disorderly persons, and then in his custody, with the nature of their offences, the name of the justice committing them, and the time of their imprisonment."

Sec. 2. Sections eight and nine of said chapter thirty-nine, are hereby amended by striking out the word "court," wherever the same occurs, and by inserting in place thereof, the words "county judge;" and by also striking out the word "its," wherever the same occurs, and inserting the word "his," in place thereof.

Sec. 3. Sections twenty-two and twenty-three of chapter one hundred and seventy-one of the revised statutes are hereby amended by striking out the words "circuit court," wherever the same occur, and insert in place thereof the words "county court."

Sec. 4. This act shall take effect from and after its passage.

Approved April 2, 1850.

[No. 276.]

AN ACT to authorize William F. Moseley to dispose of certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That William F. Moseley be and he is hereby authorized and empowered to sell, convey or otherwise dispose of the real estate of his minor children, heirs-at-law of Angeline Moseley, deceased; and any deed or deeds duly executed by said Moseley of said real estate, and properly recorded, shall be deemed a legal conveyance to the grantees therein named as fully as if the same had been executed by the said Angeline Moseley in her life-time: *Pro-*

Authorized
to convey.

Proviso. *vided*, The provisions hereinafter contained are complied with, and not otherwise.

Bond. Sec. 2. Before the said William F. Moseley shall sell or dispose of the said lands, or any part thereof, and execute any deed or deeds therefor, under the provisions of this act, he shall execute and deliver to the judge of probate of the county wherein said lands are situated, a bond in such penalty as said judge thereof shall direct, conditioned that he, the said William F. Moseley, will invest the proceeds of the sales thereof in other real estate, or in some productive stock, or put the same at interest, for the benefit of the heirs of the said Angeline Moseley: *Provided*, That no sale or disposition of said lands by the said William F. Moseley shall be valid or binding unless the judge of probate of the county in which said lands are situated shall endorse upon the deed or deeds to be executed, his approval of such sale or disposition.

Proviso.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 277.]

AN ACT for the relief of Wedworth W. Clarke, survivor of the late firm of P. & J. J. Godfroy and Company.

State Audi-
tors to ex-
amine and
adjust
claim.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Board of State Auditors of this State, be and they are hereby authorized and required, upon request of Wedworth W. Clarke, survivor of the late firm of P. & J. J. Godfroy & Co., to examine and adjust the claim of said Clarke, survivor as aforesaid, growing out of the damages for the right of way of the Southern rail road across land heretofore belonging to James Isbell, in the county of Monroe, as per certificate of the State appraisers given to said Isbell, under date of August 16th, 1842; and if it shall be made to appear to said board that the title to the land for which said damages were appraised, was conveyed to this State previous to the time when the original act of incorporation of the Michigan Southern Rail Road Company took effect, and that at the time of such conveyance of said land or right of way to the people of this

State, there was no valid and subsisting encumbrance which could have been enforced against said lands by the holder thereof, then said board shall allow to the claimant the sum of one hundred and sixty-five dollars, certified by said State appraisers: *Provided*, Said Clarke, *Provision* survivor as aforesaid, shall show that he is the owner of said claim: *And Provided further*, That said damages have not been heretofore paid.

Approved April 2, 1850.

[No. 278.]

AN ACT to amend an act entitled an act to incorporate the Genesee County Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Genesee county Plank Road Company may erect a toll gate whenever the road shall be completed from the village of Flint to the township line of the township of Grand Blanc; and if the right to construct said plank road through the township of Grand Blanc, on the line of the Saginaw turnpike, shall be obtained, in accordance with the provisions of an act relative to plank roads, approved March 13th, 1848, it shall be the duty of said plank road company to complete said road to the south line of the county of Genesee within two years from the time of obtaining such right of way. May erect toll gate.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 279.]

AN ACT to incorporate the Forest Mining Company of Michigan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That G. Winthrop Coffin, E. D. Brigham, J. T. Hodge, William H. Stevens, and others who shall be associated with them, are hereby constituted a body corporate, by the name of the Forest Mining Company of Michigan, for the purpose of mining, smelting and manufacturing ores, minerals and metals, in the Incorporation.

upper peninsula of Michigan: *Provided*, That nothing in this act contained shall confer on said company any powers of banking or brokerage, exchange, dealing in money, purchasing any stock of any bank, or for any other purposes than herein particularly specified.

Capital. Sec. 2. The said company shall have corporate succession; its stock shall be two hundred thousand dollars, divided into shares of twenty dollars each; and said company may acquire and hold such real and personal estate as the business of said company may require, to an amount not exceeding its capital stock.

Real estate. Sec. 3. The officers of said company shall consist of a president, a board of six directors, of whom the president shall be one, a secretary and treasurer, who may, at the pleasure of the company, be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessments, in such manner as said company may by its by-laws prescribe: *Provided*, That one of the directors of said company shall at all times be a resident of the State of Michigan, upon whom service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said company.

Officers. Sec. 4. The said company shall pay to the Treasurer of the State of Michigan an annual tax of one-half per centum on the whole amount of capital actually paid in upon the capital stock of said company; the capital paid in to be reconed as follows, viz: 1. The amount paid the United States government for mineral land in the Upper Peninsula of the State of Michigan. 2. The amount of assessments that shall be levied and paid in after the purchase of mineral lands that they work. 3. All moneys borrowed by said company and remaining unpaid at the time of the annual report hereinafter mentioned; which tax shall be paid on the first Monday in July in each year, and shall be assessed upon the last preceding report of said company; and for that purpose the president and secretary thereof shall, on the first day of January in each year, or within fifteen days previous thereto, make under their hands a return to the State Treasurer, verified by their several oaths, stating the amounts that have actually been paid in on the capital stock of said company; said tax to be in lieu of all other State tax upon the real estate

Stock assessments.

Service of process.

State tax

How assessed.

and personal property of said company: *Provided*, That nothing contained in this section shall be so construed as to release real estate and personal property from taxation for county and township purpose.

Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section of this act, or any two of them, shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting. First meeting.

Sec. 6. Any inhabitant of this State shall have a lien upon the stock, appurtenances and property of said company for all claims and demands against said company arising upon contract expressed or implied, to the amount of one hundred dollars or under, originally contracted within this State, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company; except liens or mortgages against the property of said company, given for the purchase money thereof; and any person may enforce said lien by filing in any court in the county where said debt was contracted, having jurisdiction thereof, an affidavit showing to the satisfaction of such court that he has a claim under the provisions of this section; and such court may thereupon issue an attachment against the property of said company, and the same proceedings may be thereupon had as in other cases. Lien.

Sec. 7. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable. General provisions.

Sec. 8. The said company shall, within six months after its organization, by a vote of the board of directors, locate a business office for said company, within the limits of the State of Michigan, and file in the office of the Secretary of State, a certificate specifying the place of such location; and all annual and other meetings of said company shall be held at such place as the by-laws of the company may designate and direct: *Provided*, That on or before the first day of January, eighteen hundred and fifty-three, such organization shall have been perfected, with an amount of capital equal to ten thousand dollars, actually paid in; and in like manner certified to the Secretary of State, as is provided in section three, and other sections of this Business office. Time for payment of capital limited.

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act: *And further provided*, That any failure to comply with these provisions on or before the time specified, all the provisions of this act shall be null and void, and the charter of said company in all respects forfeited.

Seal.

Sec. 9. The said company shall have a corporate seal, and any instrument of conveyance, or contract usually requiring a seal, given or entered into by said company, shall be signed by the president and secretary, and shall be attested by its corporate seal; but no such conveyances or contracts shall be valid, unless authorized by a regular meeting of the members of said company, or by its by-laws; and each share of the capital stock of said company shall, in all cases, entitle the owner thereof to one vote.

Vote.

General
powers.

Sec. 10. The company shall have and possess all the powers necessary for carrying out the purposes of its organization, where the exercise of such powers would not be contrary to law: *Provided always*, That nothing in this act contained shall be construed to confer on said company any banking powers or banking privileges; and it shall not be lawful for said company to use its funds or any part thereof to any banking transaction in brokerage or exchange, in dealing in money or bank notes, (except so far as the same may be necessary in the prosecution of its ordinary business,) or for any other purposes than those specified in this act, for the purpose of carrying out the legitimate objects of the organization of said company.

Previous.

Duration of
charter.

Sec. 11. This act shall continue in force for thirty years from and after its passage; and the Legislature may at any time alter, amend or repeal this act after the limitation thereof, by a two-thirds vote; and whenever the said company shall terminate, whether by lapse of time or otherwise, its property shall be sold by or under the direction of its last board of directors; and the proceeds thereof, after all payment of debts, divided among the stockholders in proportion to the amount of stock held by them respectively; and the existence of said company, and the authority of its board of directors, is hereby declared to be continued for one year after the termination of said company, for the purposes declared in this section.

Dissolution
of the com-
pany.

Approved April 2, 1850.

[No. 280.]

AN ACT to incorporate the Piscataqua Mining Company of Michigan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Clement March, John L. Newbould, George H. Thompson and others who shall be associated with them, are hereby constituted a body corporate by the name of the Piscataqua Mining Company of Michigan, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of Michigan: *Provided*, That nothing in this act contained shall confer on said company any powers of banking or brokerage, exchange, dealing in money, purchasing any stock of any bank, or for any other purposes than herein particularly specified.

Sec. 2. The said company shall have corporate succession; its stock shall be two hundred thousand dollars, divided into shares of twenty dollars each; and said company may acquire and hold such real and personal estate as the business of said company may require, to an amount not exceeding its capital stock.

Sec. 3. The officers of said company shall consist of a president, a board of six directors, of whom the president shall be one, a secretary and treasurer, who may at the pleasure of the company be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessments, in such manner as said company may by its by-laws prescribe: *Provided*, That one of the directors of said company shall at all times be a resident of the State of Michigan, upon whom service of all process against said company may be made; and the same shall be deemed a valid service thereof upon said company.

Sec. 4. The said company shall pay to the Treasurer of the State of Michigan an annual tax of one-half per centum on the whole amount of capital actually paid in upon the capital stock of said company; the capital paid in to be reconed as follows, viz: 1. The amount paid the United States government for mineral land in the upper peninsula of the State of Michigan. 2. The amount of assessments that shall be levied and paid in after the purchase of mineral lands that they work. 3. All moneys borrowed by said com-

pany and remaining unpaid at the time of the annual report herein-after mentioned; which tax shall be paid on the first Monday in July in each year, and shall be assessed upon the last preceding report of said company; and for that purpose the president and secretary thereof shall, on the first day of January in each year, or within fifteen days previous thereto, make under their hands a return to the State Treasurer, verified by their several oaths, stating the amounts that have actually been paid in on the capital stock of said company: said tax to be in lieu of all other State tax upon the real estate and personal property of said company: *Provided*, That nothing contained in this section shall be so construed as to release real estate and personal property from taxation for county and township purposes.

First meeting.

Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section of this act, or any two of them, shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Lien.

Sec. 6. Any inhabitant of this State shall have a lien upon the stock, appurtenances and property of said company for all claims and demands against said company arising upon contract expressed or implied, to the amount of one hundred dollars or under, originally contracted within this State, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company, except liens or mortgages against the property of said company given for the purchase money thereof: and any person may enforce said lien by filing in any court in the county where said debt was contracted, having jurisdiction thereof; an affidavit showing to the satisfaction of such court that he has a claim under the provisions of this section; and such court may thereupon issue an attachment against the property of said company, and the same proceedings may be thereupon had as in other cases.

General provisions.

Sec. 7. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable.

Business of Sec.

Sec. 8. The said company shall, within six months after its organization, by a vote of the board of directors, locate a business office

for said company, within the limits of the State of Michigan, and file in the office of the Secretary of State a certificate specifying the place of such location; and all annual and ether meetings of said company shall be held at such place as the by-laws of the company may designate and direct: *Provided*, That on or before the first day of January, eighteen hundred and fifty-three, such organization shall have been perfected, with an amount of capital equal to ten thousand dollars, actually paid in, and in like manner certified to the Secretary of State, as is provided in section three, and other sections of this act: *And further provided*, That any failure to comply with these provisions on or before the time specified, all the provisions of this act shall be null and void, and the charter of said company in all respects forfeited.

Time for
payment of
capital lim-
ited.

Sec. 9. The said company shall have a corporate seal, and any instrument of conveyance, or contract usually requiring a seal, given or entered into by said company, shall be signed by the president and secretary, and shall be attested by its corporate seal; but no such conveyances or contracts shall be valid, unless authorized by a regular meeting of the members of said company, or by its by-laws; and each share of the capital stock of said company shall, in all cases, entitle the owner thereof to one vote.

Seal.

Vote.

Sec. 10. The company shall have and possess all the powers necessary for carrying out the purposes of its organization, where the exercise of such powers would not be contrary to law: *Provided always*, That nothing in this act contained shall be construed to confer on said company any banking powers or banking privileges; and it shall not be lawful for said company to use its funds or any part thereof to any banking transaction in brokerage or exchange, in dealing in money or bank notes, (except so far as the same may be necessary in the prosecution of its ordinary business,) or for any other purposes than those specified in this act, for the purpose of carrying out the legitimate objects of the organization of said company.

General
powers.

Proviso.

Sec. 11. This act shall continue in force for thirty years from and after its passage; and the Legislature may at any time alter, amend or repeal this act after the limitation thereof, by a two-thirds vote; and whenever the said company shall terminate, whether by lapse

Duration of
charter.

Dissolution
of the com-
pany.

of time or otherwise, its property shall be sold by or under the direction of its last board of directors; and the proceeds thereof, after all payment of debts, divided among the stockholders in proportion to the amount of stock held by them respectively; and the existence of said company, and the authority of its board of directors, is hereby declared to be continued for one year after the termination of said company, for the purposes declared in this section.

Approved April 2, 1850.

[No. 281.]

AN ACT to amend an act to consolidate the laws in relation to County Courts, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That an act to consolidate the laws in relation to county courts, and for other purposes, approved April 2d, 1849, be and the same is hereby amended as follows:

Sec. 40 a-
mended, &
30 repealed.

Sec. 2. Add to the end of section forty the words, "and against the body of said defendant when the same is authorized by law." Also, strike out the 36th section of said act.

Sec's 71 &
83 amended.

Sec. 3. In the third and fourth lines of section seventy-one, strike out the words, "and thereupon the said clerk shall forthwith," and insert the following: "and the said clerk shall within five days and not thereafter." Also, amend section eighty-three by adding after the word "court," in the fourth line of said section, the following words: "either in term or vacation."

Sec. 86 a-
mended.

Sec. 4. Insert in the fourth line of section eighty-six, after the word "continued," the following: "and all recognizance shall stand in force from term to term, unless the court orders new recognizances to be given, until the same shall be satisfied or discharged."

Sec. 84 a-
mended.

Sec. 5. After the word "county," in the eleventh line of section eighty-four, insert the following words: "or forthwith, in case the circuit court shall then be sitting." Insert the following after the word "same," in eighth line of section eighty-four: "and in all cases of conviction, to pass sentence upon the defendant."

Sec. 6. Section eighty-five of the act aforesaid is hereby amended by striking out the words, "after the session of the grand jury," in

the first line thereof, and by inserting in the sixth line of said section, after the word "returned," the words, "said order may be made by said county court, either in term time or vacation, and may be made returnable on the first, or any other day of the term;" and section thirty-eight of said act is hereby amended, by striking out all to the word "within," in the tenth line thereof, and by inserting the following: "the party against whom judgment may be rendered in the county court, whether on confession or trial, in any cause originally commenced therein, may at any time within ten days from the date of such judgment, stay the execution thereof, by filing with the clerk of the court, a bond, or other obligation in writing, executed to the party in whose favor such judgment is rendered, by one or more persons, to be approved by the county judge, for the payment of such judgment and interest, within ten months from the commencement of the suit; and the party against whom any judgment may be rendered in said court in a cause appealed thereto, may stay the execution thereof, in the manner aforesaid, for three months from the time the return or appeal was filed with the clerk of the court, if such judgment does not exceed twenty-five dollars, exclusive of costs." Section fifteen of the act aforesaid is hereby amended by striking out of line fourteen the word "thirds."

Sec's 85 & 36 amended.

Stay of execution.

Sec. 15 amended.

Sec. 7. That no county judge or judge of probate shall hold the office of justice of the peace.

Sec. 8. Whenever the entry fee in any case of appeal from a justice of the peace to the county court shall not be paid as required by section fifty of the act to which this act is amendatory, by the appellant, on or before the first day of the term next ensuing the time when such appeal shall have been duly returned, such appeal shall, on motion, be dismissed by the court.

Entry fee.

Sec. 9. This act shall take effect and be in force in twenty days after its passage.

Approved April 2, 1850.

[No. 282.]

AN ACT to amend an act entitled an act to establish an asylum for the deaf and dumb and blind, and also an asylum for the insane of the State of Michigan, and the act amendatory thereto.

Appropriation. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That ten additional sections of salt spring lands, or as much thereof as are unappropriated, not to exceed ten sections, be and the same are hereby appropriated for the erection of suitable buildings and for the support and maintenance of the "Michigan Asylum for the educating the Deaf and Dumb and the Blind," and "Michigan Asylum for the Insane."

Duty of President. Sec. 2. It shall be the duty of the president of the board of trustees of the Michigan asylums, to make immediate selections of the additional salt spring lands appropriated by this act, and file a list of the same in the State Land Office; and the said lands shall thereupon be under the control of the board of trustees, and be disposed of in the manner provided in section one of act number one hundred and thirty-three of the session laws of 1849.

Trustees; their terms of office. Sec. 3. The terms of office of the trustees of the Michigan Asylums, elected or to be elected in the year eighteen hundred and fifty, shall be as follows: two of them shall hold their office for one year, and three of them for two years; and it shall be their duty at the first meeting of the board after the passage of this act, to decide by lot the terms of office of the members respectively, and file a list of the same in the office of the Secretary of State: *Provided,* That after the expiration of the terms of office of those holding but one year, their successors shall hold their offices for the term of two years.

Proviso. Sec. 4. That the sum of five thousand dollars be and the same is hereby appropriated out of the general fund, and the same shall be passed to the credit of the asylum fund on the books of the State Treasurer, to be used by the board of trustees of the Michigan asylums from time to time as it shall become necessary in the construction of asylums for the insane, the deaf and dumb, for the blind, and for other necessary expenses, and shall be drawn therefrom on warrants drawn by the clerk and approved by the president of the board: *Provided,* That no more than one thousand dollars of the above sum shall be so drawn within one year from the passage of this act, nor

Appropriation.

Proviso.

a sum exceeding three thousand dollars the year following, or in any one year thereafter.

Sec. 5. The proceeds of all the lands selected for the benefit of the asylum fund shall be paid into the State Treasury, and five ^{Proceeds of lands.} thousand dollars of the first proceeds shall be passed to the credit of the general fund to reimburse to the State the amount appropriated by this act.

Sec. 6. So much of any act or acts as contravene the provisions of this act are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 283.]

AN ACT to vacate a part of the village plat of the village of Dundee.

Section 1. *Be it enacted by the Senate and House of Representatives, of the State of Michigan,* That all that part of the village plat of the village of Dundee in the county of Monroe, on the north side of the river Raisin, as recorded in the office of the register of deeds of said county, June 24th, 1839, and confirmed by act of the Legislature, approved April 10th, 1846, lying north of Van Nest street, and also ^{Vacation.} including all of Main street east of lot number seven, and all the lots from number eighty-two, in progressive numbers up to three hundred and forty-nine, both inclusive, be and the same is hereby vacated, and shall hereafter cease to be a town plat for any purpose whatsoever.

Sec. 2. This act shall not be construed to vacate Barnum street, Ypsilanti street, Van Nest street, or that part of Saline street south ^{Reconstruction.} of Van Nest street, or the public square north of Van Nest street; but the same shall continue reserved for public use according to the original intent, as expressed in said plat; also the public road as now traveled from lot number seven to the east line of the village as heretofore established as a public highway.

Sec. 3. This act shall not have the effect to disturb or injure the rights of any owner of adjoining lands, nor in any manner affect such

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of the township, until the interest on such orders for the year on which said dividend shall be paid.

Supervisor. Sec. 6. The supervisor of said township is hereby authorized to cast any votes which the township may be entitled to by such subscription of stock, at any meeting of the directors of said plank road company.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 286.]

AN ACT to authorize Reuben Perryne and David Perryne to build a dam across Grand River, in the county of Eaton.

Dam authorized. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Reuben Perryne and David Perryne, their heirs and assigns, be and they are hereby authorized and empowered to build a dam across the Grand River, in the county of Eaton, on section two, in township one north of range three west; the dam to be built on the south-east quarter of said section.

Height of dam & lock. Sec. 2. Said dam shall not exceed six feet in height, and the occupants shall construct therein or thereat, a convenient lock, for the safe passage of boats, rafts and other water crafts; and such lock shall be constructed at such time and of such dimensions as may be ordered by the county judge of the county of Eaton.

Sec. 3. Nothing in this act shall be so construed as to authorize the persons above named, their heirs or assigns, to enter upon or flow the land of any person or persons.

Sec. 4. This act shall take effect from and after its passage.

Approved April 2, 1850.

[No. 287.]

AN ACT to incorporate the village of Battle Creek.

Boundaries. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that tract of country situated in the townships of Battle Creek and Emmett, in the county of Cal-

hour, and described as follows, to wit: beginning at the quarter post on the west side of section seven in the township of Emmett, in the county of Calhoun and State of Michigan, and running thence easterly on the east and west quarter line of said section seven, to the north and south quarter line of said section; thence northerly on the said north and south quarter line to the north line of said section, and to the Battle creek; thence along the Battle creek to the quarter post on the south side of section six, to the east and west quarter line of said section six; thence westerly on said east and west quarter line to the town line; thence along said town line to the quarter post on the east side of section one, in the township of Battle Creek in the county aforesaid; thence westerly to the northerly corner of the surveyed plat of the original village of Battle Creek; thence along the north-westerly side of said village plat to the Kalamazoo river; thence south, four degrees east, to the east and west quarter line of section twelve, in Battle Creek aforesaid; thence easterly along said east and west quarter line to the town line between Battle Creek and Emmett aforesaid; thence along said town line to the place of beginning, be and the same is hereby constituted a village corporate, under the name of the village of Battle Creek.

Sec. 2. The electors of said village shall meet at the Battle Creek House on the first Monday in May next, and on the first Monday of March in each year thereafter, at such place as the electors shall designate at the preceding election, and proceed to the election, by a plurality of votes, given by ballot, of a president, four trustees, a clerk, two assessors, a marshal and a treasurer, who shall also be collector, and who shall hold their offices respectively for the term of one year, and until their successors are elected and qualified. And if the election shall not be held on the day above named, the said corporation shall not be thereby dissolved, but said election may be held pursuant to notice given therefor as hereinafter provided.

Sec. 3. At the first election any two justices of the peace residing in said township of Battle Creek, with the town clerk, shall form the board of election; and it shall be conducted in the same manner as at township elections, and the clerk shall be recorder at said election.

And at all elections under this act, the polls shall be opened at ten o'clock in the forenoon and closed at five o'clock in the afternoon; and the votes shall be counted and the result thereof declared publicly to the electors in the manner prescribed for town elections, and the clerk shall make a record thereof, and within five days after the election notify the persons elected of their election.

Incorporation.

Sec. 4. The president and trustees shall be the village council, and shall form a board at all elections not otherwise provided for in this act, and shall be a body corporate and politic, with perpetual succession, to be known by the name of president and trustees of the village of Battle Creek, and may have a common seal which they may alter at pleasure; may sue and be sued, prosecute and defend in any court; and when any suit shall be commenced against the corporation, the first process shall be a summons, which shall be served by leaving an attested copy with the clerk or his deputy at least eight days before the return day thereof.

Acceptance of office.

Sec. 5. All the officers of said village, before entering upon their duties, shall file an acceptance of their office with the clerk, who shall place the same upon record, and which shall bind them the same as an oath, to the faithful discharge of their duties.

Duty of president and clerk.

Sec. 6. The president shall preside at all meetings of the council, when present; and in his absence, the trustees may choose [one] of their number to preside. It shall be the duty of the clerk to attend all such meetings and keep a full and fair record of all the proceedings, in a book provided for that purpose; and he shall appoint a deputy in his absence, for whose acts he shall be liable. Said appointment shall be under the hand and seal of the clerk, and it shall be placed upon record before entering upon his duties.

Fire apparatus.

Sec. 7. The president and trustees, or a majority of them, shall purchase one or more fire engines, as directed by a majority of the electors at any regular meeting, with sufficient hose and other apparatus to answer the demands of the village; and there shall be companies of firemen of not less than twenty-five men to each engine; which companies may be formed of volunteers, or in default of this, shall be filled by appointment by the president and trustees. Said companies shall elect their own officers, who shall control them at all fires, and in their exercises. But the village council shall pre-

scribe the time and mode of their exercises, and rules for their regulation, and force obedience to them by penalties. They shall also establish hook and ladder companies with regulations, and compel citizens to keep ladders sufficient for the protection of the village, with two leather water buckets in each house, when such house is valued at two hundred dollars, and to assist in all cases of fires, or pay a penalty for such neglect.

Sec. 8. The president and trustees shall have power to establish ^{By-laws.} by-laws, rules and regulations for the government of said village, and to alter the same, repeal or reordain at pleasure, to provide for any subordinate officers if necessary, and prescribe their duties, and the duty of the treasurer, and the amount of bonds he shall give for the performance of his duty, and his fees as collector, which shall not exceed the per cent. allowed the town treasurer; and shall prescribe ^{General powers.} the fees of the clerk, assessors and marshal, which shall not exceed one dollar per day; and impose reasonable fines and penalties for the violation of the by-laws and regulations of the corporation; to regulate the planting of ornamental trees by the side-walks or on the common, and cause them to be protected from depredations; to provide for protection against fires; the removal of nuisances and obstructions from the side-walks, streets, alleys, commons and all other places in the village; to prevent cattle, horses and swine from running at large in the streets, and to build a pound for impounding the same; to suppress all riotous or disorderly conduct; to prevent horse racing, and every thing else that disturbs the public peace or endangers the safety of the citizens; they shall act as a board of health, and shall have the same power in the village as the town boards have in towns; and the clerk shall keep the record of the proceedings of such board of health, in the records of said village.

Sec. 9. The village council shall have power to license tavern ^{License & exhibitions.} keepers and common victuallers, under such restrictions and regulations as they shall by public ordinance establish; to license all shows, theatres, circuses and public exhibitions, and to fix the rates to be paid for the same: *Provided*, No exhibition of any circus shall be at a less price than twenty-five dollars per day, or for less term. They shall have power, under such regulations as they deem proper, to license as many retailers of spirituous liquors, as in their opinion the public good requires, whenever a majority of the voters of said vil-

lage shall, at the annual election of village officers, vote to grant license for such purpose, and not otherwise. No person shall be allowed to retail spirituous or fermented liquors in the village, unless under a license from the village board; and for every offence of this kind, such person, so offending, shall pay the penalty of twenty-five dollars, with costs of suit, to be collected by prosecution before any justice of the peace in said village, on the complaint of any citizen, by the president, as provided for in chapter forty-one of the revised statutes of 1846, and the powers and duties of the president shall be the same as those of town supervisors, under the provision of said chapter. The keeper of every bowling alley and gambling establishment shall be liable at every offence at gambling to the like penalty, to be collected in the like manner as above. Nothing in this act shall prevent the village board from licensing druggists to sell wines and spirituous liquors for strictly medicinal purposes; but no licenses granted under this act shall extend longer than one year.

Improve-
ment of
streets.

Sec. 10. The corporate board shall have power, on a vote of a majority of the inhabitants, at any regular meeting, to build cross-ings in the streets, and make any other improvements which the village demands; but nothing in this act shall be construed to include the building or repairing of the highways and bridges within the corporation; but they shall remain under the supervision of the road commissioners of the towns in which said village is situated, the same as if no such corporation existed.

Ibid.

Sec. 11. When a majority of the freeholders residing upon any street shall, in writing, request to improve the same by building or repairing side walks, or ornament the same by planting shade trees, the village board shall order the same to be done by giving ten days notice in writing to each occupant on said street, directing them to construct such side walk or make other improvement in a given time by them designated; and in case of neglect or refusal of any such owner or occupant to construct such side walk or other improvement, it shall be lawful for the board forthwith to make such improvements and assess the expense of the same upon the premises on which said improvements have been made, and collect the same as provided for the collection of other taxes by this act, which portion or portions of said improvements or expenses of the same shall be determined by

said board, according to the relative assessed value of said premises to the aggregate assessment on such street.

Sec. 12. The electors of said village, or a majority of them in attendance at any annual meeting, shall have the power to raise money by tax, any sum not to exceed five hundred dollars in one year, to be expended for the improvement of the village; which amount shall be determined by viva voce vote; and said tax shall be assessed on all property within this corporation in the same manner in which township taxes are assessed, as near as may be, and in accordance with the tenth section of this act, and according to the value of the property assessed; but no lands included in this corporation that are used for farming purposes and not laid out into village lots, shall be included in such assessment; and the assessors shall this year (if a tax is levied by the people) proceed in ten days after their election to assess the property within the corporation, (that is not exempt from the village tax by this act,) in the same manner as township assessments are taken, and make returns of the same within twenty days after they are elected; and each and every year after this they shall take the assessment in the same manner, and make their returns within two weeks after the first Monday of April in each year.

Sec. 13. In case the meeting above provided for, shall fail to be held on the day above prescribed, then any five of the electors of said village may call said meeting at any other time, at some convenient place, giving notice as hereinafter provided to be given by the president or his representative for other meetings.

Sec. 14. All meetings of said village for the election of officers, or for any other purpose, shall be called by the president or his representative, (except the one provided for in section thirteen,) by posting up printed or written notices thereof in at least three public places in said village, at least six days before the time of holding said meeting, specifying the time and place of said meeting, and the purpose for which such meeting was called; and no person shall be allowed to vote at any meeting unless he has been a resident of the village six months previous to the election, and possess all the other qualifications of an elector at a general election under the laws of this State. The president and trustees shall make out a tax roll in duplicate form, giving the valuation of property thus assessed in the village, with the amounts assessed to each tax-payer; and shall, un-

der their hand and seal, direct the treasurer to collect the same in the same manner as township taxes are collected, and in the time prescribed by the village by-laws. But said roll shall be left at the clerk's office for inspection, ten days previous to delivering the same to the treasurer, and redress of grievances may be obtained in the same manner as is prescribed in town taxes.

Collection
of taxes.

Sec. 15. The treasurer shall have power to sell personal estate for the collection [of said taxes] by distress, in the same manner as given by law to township treasurers, and for want of personal property upon which to levy, he shall have power to sell real estate upon which such tax is assessed, and shall make such sale in the same manner and with the same effect, and shall give notice thereof as is provided by law for the sale of real estate by execution: *Provided*, That such notice shall be given by publication in a newspaper published in said village; and if no paper is published there, to cause it to be published in a newspaper in the county in which said village is located, each successive week for six weeks prior to the day of sale; and any real estate so sold may be redeemed by the owner, his or their representatives, at any time within one year from the date of the sale, on paying to the purchaser, or to the treasurer for the use of the purchaser, the amount for which the same was sold, with fifteen per cent. interest, and cost of notice and sale.

Notice.

Compensation
of officers.

Sec. 16. The president and trustees shall receive such compensation for their services as the electors shall direct at their annual meeting.

Firemen ex-
emption.

Sec. 17. The acceptance of the office of the firemen, when they enter on their duty, shall be entered upon the record of the clerk, and they shall be exempt from serving on juries and from all poll tax while they act as firemen.

Public act.

Sec. 18. This act shall be received in all courts of justice as a public act, and shall be favorably construed; and no further proof shall be required hereof than is required by any other general law by statute.

Licence mo-
neys

Sec. 19. All moneys received by the corporation under the provisions of this act for licensing tavern keepers, common victuallers or retailers of spirituous liquors, shall be paid into the county treasury as provided for in chapter 38, section 26 of the revised statutes of 1846.

Sec. 20. This act may be altered, amended or repealed by the Legislature with the assent of two-thirds of both houses.

Sec. 21. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 288.]

AN ACT to incorporate the Copper Harbor Mining Company of Michigan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Samuel W. Hill, John Senter, Louis P. Morrison, John Slawson, Charles Bacon, and others who shall be associated with them, are hereby constituted a body corporate, by the name of the Copper Harbor Mining Company of Michigan, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of Michigan: *Provided*, That nothing in this act contained shall confer on said company any powers of banking or brokerage, exchange, dealing in money, purchasing any stock of any bank, or for any other purposes than herein particularly specified. Incorporation. Provision.

Sec. 2. The said company shall have corporate succession; its capital stock shall be two hundred thousand dollars, divided into ten thousand shares of twenty dollars each; and said company may acquire and hold such real and personal estate as the business of said company may require, to an amount not exceeding the capital stock; but said company shall not hold more than six hundred and forty acres of land in legal subdivisions in the upper peninsula, and shall hold no real estate in the lower peninsula, except a ware-house, lot and office, and such as may be necessary for smelting purposes. Capital Real estate.

Sec. 3. The officers of said company shall be stockholders therein, and shall consist of a president and board of six directors, of whom the president shall be one, a secretary and treasurer, who may, at the pleasure of the company, be one and the same person; and the said company may enact by-laws, not inconsistent with the laws of this State; to levy assessments on the shares of its stock; to forfeit and sell said shares for non-payment of any such assessment, in such Officers. By-laws.

manner as said by-laws shall prescribe; to provide for the manner of electing officers, and for such other purposes as may be necessary to carry out the intent and meaning of this act: *Provided*, That until the first annual meeting of said company, after organization under this act, Samuel W. Hill, John Senter, Louis P. Morrison, John Slawson, Charles Bacon, and one such other person as the company may see fit to appoint, shall be and continue, and they and their successors are expressly constituted directors of said company, one of whom shall be a citizen of Michigan, and shall have and exercise all the powers, and be subject to all duties and restrictions imposed on the directors to be chosen under this act.

1st directors
State tax. Sec. 4. The said company shall pay to the Treasurer of the State of Michigan an annual tax of one per centum on the whole amount of capital actually paid in upon the capital stock of said company upon all sums of money borrowed by said company, and any investment of any portion of the earnings of said company in their business shall be considered as so much capital paid in; which tax shall be paid on the first Monday of January in each year, and shall be estimated upon the last preceding report of said company; and for that purpose the president and secretary of said company shall, on the first day of December, or within fifteen days thereafter, make, under their hands, a return to the State Treasurer, verified by their several oaths or affirmations, stating the number of acres and legal subdivision of all lands owned, and of all lands in possession of said company; also the amount which has actually been paid in on the capital stock of said company, the investment of any portion of the earnings of said company in their business, the whole amount of money which at any time has been borrowed by said company, and the whole amount of the indebtedness of said company, exclusive of borrowed money, and said tax shall be in lieu of all State taxes upon the real and personal estate of said company. If any report or return made by the officers of this company, in pursuance of the provisions of this act, shall be false in any material representation, all the officers who shall have signed the same shall be jointly and severally liable for all the debts of said company contracted while they are stockholders or officers thereof.

Report to State Treasurer.
Liability for false report.

Sec. 5. The first meeting of said company shall be held at such

time and place as the persons named in the first section of this act, ^{1st meeting.} or any two of them, shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Sec. 6. Any inhabitant of the State of Michigan, not a stockholder of said company, shall have a lien upon the stock, appurtenances and entire property of said company for all claims and demands against said company to the amount of one hundred dollars or under, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company; and any person may enforce said lien by filing with any court in the county where said debt was contracted, having jurisdiction thereof, an affidavit, showing, to the satisfaction of such court, that he has a claim under the provisions of this section, and such court may thereupon issue an attachment against the property of said company, and the same proceedings may be thereupon had as in other cases. ^{Lien.}

Sec. 7. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, of this State, so far as the same is not inconsistent with the provisions of this act. ^{General provisions.}

Sec. 8. The said company shall, within six months after their organization under the provisions of this act, locate their business office or offices, one of which shall be in this State, and file in the office of the Secretary of State of Michigan, a certificate specifying the place or places of such location. All annual and other meetings of said company shall be held at such place or places as the by-laws of the company, by its board of directors, may designate and direct. <sup>Business of
offc.</sup>

Sec. 9. Service of any legal process may be made on any one of the officers of said company, and said company shall at all times have an agent residing in the city of Detroit, upon whom service of all legal process may at any time be made, which shall be as valid as if made upon any of such officers. A certificate in writing of the appointment of such agent shall be filed in the office of the county clerk of the county of Wayne; and if no such agent shall be appointed, or if neither such agent nor any such officer shall be found in the county of Wayne, then service thereof may be made by posting up a copy of such process in some conspicuous place in said clerk's office. <sup>Service of
process.</sup>

Liability. Sec. 10. The stockholders of said company shall be severally individually liable to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by said company, until the amount of stock held as aforesaid shall have been paid in and a return made to the State Treasurer, as prescribed in section four in this act, and they shall be jointly and severally liable for all debts that may be due or owing to any and all their laborers, or any other person or persons in their employ, for services performed for such corporation, but shall not be liable to an action therefor before an execution shall be returned unsatisfied in whole or in part against said company, and then the amount due on said execution shall be the amount recoverable, with cost and interest against said stockholders. If the directors of said company, or their agents, contract debts for the company, exceeding in the aggregate the amount of capital stock paid in, said directors shall be individually and personally liable for all debts of said company.

Dividends. Sec. 11. If the directors of said company shall declare and pay any dividend when said company is insolvent, or which would render it insolvent, they shall be jointly and severally liable for all the debts of said company then existing, and for all debts thereafter contracted, so long as they shall respectively continue in office.

Time of payment of capital stock limited. Sec. 12. This act shall cease, determine and be void if said company shall not pay in ten per cent. of their capital stock within two years after the passage of this act; and the amount of the capital stock of said company shall be limited to, and never thereafter exceed the amount paid in at the time the annual report of said company is made for the year eighteen hundred and sixty.

Duration of charter. Sec. 13. This act shall take effect immediately, and shall continue in force thirty years, but may at any time be amended or repealed by the Legislature, if said company fail to comply with, or if they violate, any of the provisions of this act.

Approved April 2, 1850.

[No. 259.]

AN ACT relative to James Seymour's dam at Flushing.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the lock required to be put into the dam of James Seymour, across Flint river in Genesee county, on section twenty-seven, town eight north, range five east, shall be constructed of dimensions not less than one hundred feet in length, and eighteen feet in width, and that the same may be put into said dam in that part thereof which shall be the most safe and convenient for the passage of rafts, boats and other water craft: *Provided,* That such lock shall be constructed and ready for use within eight months from the passage of this act; and this act shall not prevent any recovery for damages in consequence of the erection or maintenance of said dam: *And provided further,* That such lock shall be constructed of larger dimensions if the circuit judge of said county shall, within three months, on cause shown, so order, after ten days notice to the owners of said dam or either of them, of application for such order; in which case said lock shall be built of such size and put into said dam at such place as said circuit judge may direct; and it shall be the duty of the circuit judge of said county to hear any such application which may be made to him either in term time or vacation, and to decide upon the same within the time above limited, and to file his decision or order thereon in the office of the county clerk of said county; notice of such application and of the time and place of hearing the same shall be published in the Flint Republican, at least two weeks before the hearing thereof.

Sec. 2. Any person who shall destroy or in any wise injure said dam, shute or lock, shall be deemed to have committed a trespass upon the owners thereof, and be liable accordingly; and any person who shall wilfully and maliciously destroy or injure said dam, shute or lock, shall be deemed guilty of a misdemeanor.

Sec. 3. The Legislature may at any time alter, amend or repeal this act; and said James Seymour, his heirs or assigns, shall not demand or receive any damages in consequence of such alteration, amendment or repeal.

Approved April 2, 1860.

[No. 290.]

AN ACT to incorporate the Southern Michigan Telegraph Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Alvah Strong, George Dawson, Henry R. Sheldon, Henry O'Reilly, Harvey Ely, Albert W. Snow, Harrison Swift, Henry Barnes, Phineas Homan, Elon W. Hudson and Josiah Snow, and all others who are or may become associated with them in the Southern Michigan Telegraph Company, be and the same hereby are constituted a body politic and corporate for the purpose of constructing and owning a line or lines of telegraph from the city of Detroit to Monroe and Chicago, with the right to establish branches thereto; and said corporation shall have perpetual succession.

Capital.

Sec. 2. The capital stock of said corporation shall not exceed one hundred and fifty thousand dollars, and shall be divided into shares of fifty dollars each, which stock shall be transferrable under such regulations as may be provided by the by-laws of said company.

General powers.

Sec. 3. Said corporation are hereby empowered to purchase, have and to hold, possess and enjoy to themselves and their successors, real estate in such city, town or village, as they may deem to the interest of the company, for the erection of suitable buildings for telegraphic purposes; to sue and be sued, plead and be impleaded in all courts of this State; to have and use a common seal, and to ordain and put in execution such by-laws for the government of said corporation and the transaction of its business as may be necessary to carry out the true intent and meaning of this act, and for no other purpose: *Provided*, They are not repugnant to the laws of this State and the constitution of the United States: *And provided further*,

Proviso.

Taxes.

That all real estate held or possessed by said corporation shall at all times be subject to taxation in every respect, the same as the real estate of an individual; and this shall not be construed so as to exempt said corporation from the payment of any specific tax for which they may be liable; but such specific tax shall be in addition to, and beside any and all taxes on real estate.

Annual election.

Sec. 4. The annual election for officers of said corporation shall be held on the first Monday of January of each year. The members [number] of directors of said corporation shall not be less than five

nor more than thirty, who shall hold their offices for one year, or till their successors are elected. The directors so elected shall appoint a president, secretary and treasurer, who shall hold their offices until removed by the board of directors. Each share of stock shall be entitled to one vote. Officers to be appointed.

Sec. 5. This act shall take effect and be in force whenever the secretary of the Southern Michigan Telegraph Company files in the office of the Secretary of State an acceptance of this act. Acceptance.

Sec. 6. Said Southern Michigan Telegraph Company shall be subject to all the provisions of "an act authorizing any persons to construct lines of electric [electric] telegraph in the State of Michigan," approved January 28th, 1847, (so far as the same are applicable,) and the same are hereby made a part of this act. General provisions.

Sec. 7. The Legislature may at any time alter, amend or repeal this act.

Approved April 2, 1850.

[No. 291.]

AN ACT to authorize Prudence Kent and Francis S. Warner, of Shiawassee county, to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Prudence Kent, (wife of William G. Kent,) and Francis S. Warner, minors, of the county of Shiawassee, in the State of Michigan, be and they are hereby authorized and empowered to sell and convey the following described tracts of land, in such parcels as they may choose, viz: the south-east quarter of the south-west quarter and the south-west quarter of the south-east quarter of section twenty-six; also the north-west quarter of the south-east quarter and the north-east quarter of the south-west quarter of section twenty-six, all in township number five north of range number one east; also the south-west quarter of the north-west quarter of section thirty-four, and ten acres of land of the same width directly south on the west half of the south-west quarter of section thirty-four, all in township number five north of range number one east, containing in all fifty acres; also the south-west quarter of the south-west quarter of section thirty-five, in township number five north of range number one east; also about one hundred and four Authorized to convey.

lage shall, at the annual election of village officers, vote to grant license for such purpose, and not otherwise. No person shall be allowed to retail spirituous or fermented liquors in the village, unless under a license from the village board; and for every offence of this kind, such person, so offending, shall pay the penalty of twenty-five dollars, with costs of suit, to be collected by prosecution before any justice of the peace in said village, on the complaint of any citizen, by the president, as provided for in chapter forty-one of the revised statutes of 1846, and the powers and duties of the president shall be the same as those of town supervisors, under the provision of said chapter. The keeper of every bowling alley and gambling establishment shall be liable at every offence at gambling to the like penalty, to be collected in the like manner as above. Nothing in this act shall prevent the village board from licensing druggists to sell wines and spirituous liquors for strictly medicinal purposes; but no licenses granted under this act shall extend longer than one year.

Improve-
ment of
streets.

Sec. 10. The corporate board shall have power, on a vote of a majority of the inhabitants, at any regular meeting, to build crossings in the streets, and make any other improvements which the village demands; but nothing in this act shall be construed to include the building or repairing of the highways and bridges within the corporation; but they shall remain under the supervision of the road commissioners of the towns in which said village is situated, the same as if no such corporation existed.

Ibid.

Sec. 11. When a majority of the freeholders residing upon any street shall, in writing, request to improve the same by building or repairing side walks, or ornament the same by planting shade trees, the village board shall order the same to be done by giving ten days notice in writing to each occupant on said street, directing them to construct such side walk or make other improvement in a given time by them designated; and in case of neglect or refusal of any such owner or occupant to construct such side walk or other improvement, it shall be lawful for the board forthwith to make such improvements and assess the expense of the same upon the premises on which said improvements have been made, and collect the same as provided for the collection of other taxes by this act, which portion or portions of said improvements or expenses of the same shall be determined by

said board, according to the relative assessed value of said premises to the aggregate assessment on such street.

Sec. 12. The electors of said village, or a majority of them in attendance at any annual meeting, shall have the power to raise money ^{Tax.} by tax, any sum not to exceed five hundred dollars in one year, to be expended for the improvement of the village; which amount shall be determined by viva voce vote; and said tax shall be assessed on all property within this corporation in the same manner in which township taxes are assessed, as near as may be, and in accordance with the tenth section of this act, and according to the value of the property assessed; but no lands included in this corporation that are used for farming purposes and not laid out into village lots, shall be included in such assessment; and the assessors shall this year (if a tax is levied by the people) proceed in ten days after their election to assess the property within the corporation, (that is not exempt from the village tax by this act,) in the same manner as township assessments are taken, and make returns of the same within twenty days after they are elected; and each and every year after this they shall take the assessment in the same manner, and make their returns within two weeks after the first Monday of April in each year.

Sec. 13. In case the meeting above provided for, shall fail to be ^{held.} held on the day above prescribed, then any five of the electors of said village may call said meeting at any other time, at some convenient place, giving notice as hereinafter provided to be given by the president or his representative for other meetings.

Sec. 14. All meetings of said village for the election of officers, or for any other purpose, shall be called by the president or his representative, (except the one provided for in section thirteen,) by posting up printed or written notices thereof in at least three public places in said village, at least six days before the time of holding said meeting, specifying the time and place of said ^{meetings.} meeting, and the purpose for which such meeting was called; and no person shall be allowed to vote at any meeting unless he has been a resident of the village six months previous to the election, and possess all the other qualifications of an elector at a general election under the laws of this State. The president and trustees shall make out a tax roll ^{Tax roll.} in duplicate form, giving the valuation of property thus assessed in the village, with the amounts assessed to each tax-payer; and shall, un-

der their hand and seal, direct the treasurer to collect the same in the same manner as township taxes are collected, and in the time prescribed by the village by-laws. But said roll shall be left at the clerk's office for inspection, ten days previous to delivering the same to the treasurer, and redress of grievances may be obtained in the same manner as is prescribed in town taxes.

Collection
of taxes.

Notice.

Sec. 15. The treasurer shall have power to sell personal estate for the collection [of said taxes] by distress, in the same manner as given by law to township treasurers, and for want of personal property upon which to levy, he shall have power to sell real estate upon which such tax is assessed, and shall make such sale in the same manner and with the same effect, and shall give notice thereof as is provided by law for the sale of real estate by execution: *Provided*, That such notice shall be given by publication in a newspaper published in said village; and if no paper is published there, to cause it to be published in a newspaper in the county in which said village is located, each successive week for six weeks prior to the day of sale; and any real estate so sold may be redeemed by the owner, his or their representatives, at any time within one year from the date of the sale, on paying to the purchaser, or to the treasurer for the use of the purchaser, the amount for which the same was sold, with fifteen per cent. interest, and cost of notice and sale.

Compensa-
tion of offi-
cers.

Sec. 16. The president and trustees shall receive such compensation for their services as the electors shall direct at their annual meeting.

Firemen ex-
emption.

Sec. 17. The acceptance of the office of the firemen, when they enter on their duty, shall be entered upon the record of the clerk, and they shall be exempt from serving on juries and from all poll tax while they act as firemen.

Public act.

Sec. 18. This act shall be received in all courts of justice as a public act, and shall be favorably construed; and no further proof shall be required hereof than is required by any other general law by statute.

Licence mo-
neys

Sec. 19. All moneys received by the corporation under the provisions of this act for licensing tavern keepers, common victuallers or retailers of spirituous liquors, shall be paid into the county treasury as provided for in chapter 38, section 26 of the revised statutes of 1946.

Sec. 20. This act may be altered, amended or repealed by the Repeal. Legislature with the assent of two-thirds of both houses.

Sec. 21. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 288.]

AN ACT to incorporate the Copper Harbor Mining Company of Michigan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Samuel W. Hill, John Senter, Louis P. Morrison, John Slawson, Charles Bacon, and others who shall be associated with them, are hereby constituted a body corporate, by the name of the Copper Harbor Mining Company of Michigan, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of Michigan: *Provided,* That nothing in this act contained shall confer on said company any powers of banking or brokerage, exchange, dealing in money, purchasing any stock of any bank, or for any other purposes than herein particularly specified. Incorporation.
Proviso.

Sec. 2. The said company shall have corporate succession; its capital stock shall be two hundred thousand dollars, divided into ten thousand shares of twenty dollars each; and said company may acquire and hold such real and personal estate as the business of said company may require, to an amount not exceeding the capital stock; but said company shall not hold more than six hundred and forty acres of land in legal subdivisions in the upper peninsula, and shall hold no real estate in the lower peninsula, except a ware-house, lot and office, and such as may be necessary for smelting purposes. Capital
Real estate.

Sec. 3. The officers of said company shall be stockholders therein, and shall consist of a president and board of six directors, of whom the president shall be one, a secretary and treasurer, who may, at the pleasure of the company, be one and the same person; and the said company may enact by-laws, not inconsistent with the laws of this State; to levy assessments on the shares of its stock; to forfeit and sell said shares for non-payment of any such assessment, in such Officers.
By-laws

manner as said by-laws shall prescribe; to provide for the manner of electing officers, and for such other purposes as may be necessary to carry out the intent and meaning of this act: *Provided*, That until the first annual meeting of said company, after organization under this act, Samuel W. Hill, John Senter, Louis P. Morrison, John Slawson, Charles Bacon, and one such other person as the company may see fit to appoint, shall be and continue, and they and their successors are expressly constituted directors of said company, one of whom shall be a citizen of Michigan, and shall have and exercise all the powers, and be subject to all duties and restrictions imposed on the directors to be chosen under this act.

1st directors
State tax. Sec. 4. The said company shall pay to the Treasurer of the State of Michigan an annual tax of one per centum on the whole amount of capital actually paid in upon the capital stock of said company upon all sums of money borrowed by said company, and any investment of any portion of the earnings of said company in their business shall be considered as so much capital paid in; which tax shall be paid on the first Monday of January in each year, and shall be estimated upon the last preceding report of said company; and for that purpose the president and secretary of said company shall, on the first day of December, or within fifteen days thereafter, make, under their hands, a return to the State Treasurer, verified by their several oaths or affirmations, stating the number of acres and legal subdivision of all lands owned, and of all lands in possession of said company; also the amount which has actually been paid in on the capital stock of said company, the investment of any portion of the earnings of said company in their business, the whole amount of money which at any time has been borrowed by said company, and the whole amount of the indebtedness of said company, exclusive of borrowed money, and said tax shall be in lieu of all State taxes upon the real and personal estate of said company. If any report or return made by the officers of this company, in pursuance of the provisions of this act, shall be false in any material representation, all the officers who shall have signed the same shall be jointly and severally liable for all the debts of said company contracted while they are stockholders or officers thereof.

Report to State Treasurer.
Liability for false report.

Sec. 5. The first meeting of said company shall be held at such

time and place as the persons named in the first section of this act, ^{1st meeting} or any two of them, shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Sec. 6. Any inhabitant of the State of Michigan, not a stockholder of said company, shall have a lien upon the stock, appurtenances and entire property of said company for all claims and demands against said company to the amount of one hundred dollars or under, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company; and any person may enforce said lien by filing with any court in the county where said debt was contracted, having jurisdiction thereof, an affidavit, showing, to the satisfaction of such court, that he has a claim under the provisions of this section, and such court may thereupon issue an attachment against the property of said company, and the same proceedings may be thereupon had as in other cases. ^{Lien.}

Sec. 7. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, of this State, so far as the same is not inconsistent with the provisions of this act. ^{General provisions.}

Sec. 8. The said company shall, within six months after their organization under the provisions of this act, locate their business office or offices, one of which shall be in this State, and file in the office of the Secretary of State of Michigan, a certificate specifying the place or places of such location. All annual and other meetings of said company shall be held at such place or places as the by-laws of the company, by its board of directors, may designate and direct. ^{Business of office.}

Sec. 9. Service of any legal process may be made on any one of the officers of said company, and said company shall at all times have an agent residing in the city of Detroit, upon whom service of all legal process may at any time be made, which shall be as valid as if made upon any of such officers. A certificate in writing of the appointment of such agent shall be filed in the office of the county clerk of the county of Wayne; and if no such agent shall be appointed, or if neither such agent nor any such officer shall be found in the county of Wayne, then service thereof may be made by posting up a copy of such process in some conspicuous place in said clerk's office. ^{Service of process.}

Liability. Sec. 10. The stockholders of said company shall be severally individually liable to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by said company, until the amount of stock held as aforesaid shall have been paid in and a return made to the State Treasurer, as prescribed in section four in this act, and they shall be jointly and severally liable for all debts that may be due or owing to any and all their laborers, or any other person or persons in their employ, for services performed for such corporation, but shall not be liable to an action therefor before an execution shall be returned unsatisfied in whole or in part against said company, and then the amount due on said execution shall be the amount recoverable, with cost and interest against said stockholders. If the directors of said company, or their agents, contract debts for the company, exceeding in the aggregate the amount of capital stock paid in, said directors shall be individually and personally liable for all debts of said company.

Dividends. Sec. 11. If the directors of said company shall declare and pay any dividend when said company is insolvent, or which would render it insolvent, they shall be jointly and severally liable for all the debts of said company then existing, and for all debts thereafter contracted, so long as they shall respectively continue in office.

Time of payment of capital stock limited. Sec. 12. This act shall cease, determine and be void if said company shall not pay in ten per cent. of their capital stock within two years after the passage of this act; and the amount of the capital stock of said company shall be limited to, and never thereafter exceed the amount paid in at the time the annual report of said company is made for the year eighteen hundred and sixty.

Duration of charter. Sec. 13. This act shall take effect immediately, and shall continue in force thirty years, but may at any time be amended or repealed by the Legislature, if said company fail to comply with, or if they violate, any of the provisions of this act.

Repeal.

Approved April 2, 1850.

[No. 289.]

AN ACT relative to James Seymour's dam at Flushing.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the lock required to be put into the dam of James Seymour, across Flint river in Genesee county, on section twenty-seven, town eight north, range five east, shall be constructed of dimensions not less than one hundred feet in length, and eighteen feet in width, and that the same may be put into said dam in that part thereof which shall be the most safe and convenient for the passage of rafts, boats and other water craft: *Provided,* That such lock shall be constructed and ready for use within eight months from the passage of this act; and this act shall not prevent any recovery for damages in consequence of the erection or maintenance of said dam: *And provided further,* That such lock shall be constructed of larger dimensions if the circuit judge of said county shall, within three months, on cause shown, so order, after ten days notice to the owners of said dam or either of them, of application for such order; in which case said lock shall be built of such size and put into said dam at such place as said circuit judge may direct; and it shall be the duty of the circuit judge of said county to hear any such application which may be made to him either in term time or vacation, and to decide upon the same within the time above limited, and to file his decision or order thereon in the office of the county clerk of said county; notice of such application and of the time and place of hearing the same shall be published in the Flint Republican, at least two weeks before the hearing thereof.

Lock.

Time for construction.

Circuit Judge's duty.

Notice.

Sec. 2. Any person who shall destroy or in any wise injure said dam, shute or lock, shall be deemed to have committed a trespass upon the owners thereof, and be liable accordingly; and any person who shall wilfully and maliciously destroy or injure said dam, shute or lock, shall be deemed guilty of a misdemeanor.

Penalty for injuring.

Sec. 3. The Legislature may at any time alter, amend or repeal this act; and said James Seymour, his heirs or assigns, shall not demand or receive any damages in consequence of such alteration, amendment or repeal.

Repeal.

Approved April 2, 1860.

[No. 290.]

AN ACT to incorporate the Southern Michigan Telegraph Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Alvah Strong, George Dawson, Henry R. Sheldon, Henry O'Reilly, Harvey Ely, Albert W. Snow, Harrison Swift, Henry Barnes, Phineas Homan, Elon W. Hudson and Josiah Snow, and all others who are or may become associated with them in the Southern Michigan Telegraph Company, be and the same hereby are constituted a body politic and corporate for the purpose of constructing and owning a line or lines of telegraph from the city of Detroit to Monroe and Chicago, with the right to establish branches thereto; and said corporation shall have perpetual succession.

Capital.

Sec. 2. The capital stock of said corporation shall not exceed one hundred and fifty thousand dollars, and shall be divided into shares of fifty dollars each, which stock shall be transferrable under such regulations as may be provided by the by-laws of said company.

General powers.

Sec. 3. Said corporation are hereby empowered to purchase, have and to hold, possess and enjoy to themselves and their successors, real estate in such city, town or village, as they may deem to be the interest of the company, for the erection of suitable buildings for telegraphic purposes; to sue and be sued, plead and be impleaded in all courts of this State; to have and use a common seal, and to ordain and put in execution such by-laws for the government of said corporation and the transaction of its business as may be necessary to carry out the true intent and meaning of this act, and for no other purpose: *Provided*, They are not repugnant to the laws of this State and the constitution of the United States: *And provided further*, That all real estate held or possessed by said corporation shall at all times be subject to taxation in every respect, the same as the real estate of an individual; and this shall not be construed so as to exempt said corporation from the payment of any specific tax for which they may be liable; but such specific tax shall be in addition to, and beside any and all taxes on real estate.

Proviso.

Taxes.

Annual election.

Sec. 4. The annual election for officers of said corporation shall be held on the first Monday of January of each year. The members [number] of directors of said corporation shall not be less than five

nor more than thirty, who shall hold their offices for one year, or till their successors are elected. The directors so elected shall appoint a president, secretary and treasurer, who shall hold their offices until removed by the board of directors. Each share of stock shall be entitled to one vote. Officers to be appointed.

Sec. 5. This act shall take effect and be in force whenever the secretary of the Southern Michigan Telegraph Company files in the office of the Secretary of State an acceptance of this act. Acceptance.

Sec. 6. Said Southern Michigan Telegraph Company shall be subject to all the provisions of "an act authorizing any persons to construct lines of electric [electric] telegraph in the State of Michigan," approved January 28th, 1847, (so far as the same are applicable,) and the same are hereby made a part of this act. General provisions.

Sec. 7. The Legislature may at any time alter, amend or repeal this act.

Approved April 2, 1850.

[No. 291.]

AN ACT to authorize Prudence Kent and Francis S. Warner, of Shiawassee county, to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Prudence Kent, (wife of William G. Kent,) and Francis S. Warner, minors, of the county of Shiawassee, in the State of Michigan, be and they are hereby authorized and empowered to sell and convey the following described tracts of land, in such parcels as they may choose, viz: the south-east quarter of the south-west quarter and the south-west quarter of the south-east quarter of section twenty-six; also the north-west quarter of the south-east quarter and the north-east quarter of the south-west quarter of section twenty-six, all in township number five north of range number one east; also the south-west quarter of the north-west quarter of section thirty-four, and ten acres of land of the same width directly south on the west half of the south-west quarter of section thirty-four, all in township number five north of range number one east, containing in all fifty acres; also the south-west quarter of the south-west quarter of section thirty-five, in township number five north of range number one east; also about one hundred and four Authorized to convey.

acres of land described as follows: being the south part of the north-west fractional quarter of section two, in town four north of range one east, excepting a piece of Clenk's land on the west end of said lot, containing fifty-four acres or thereabouts; also, the east and equal half of the north part of said north-west fractional quarter of section number two in township number four north of range number one east; the whole of said tract being about one hundred and thirteen rods east and west from the quarter line, to Tyler and Goodhue's land, and about one hundred and forty rods long from north to south, containing in all about one hundred acres, the east half of which, containing fifty acres, is hereby authorized to be sold; also, the north-east fractional quarter of section three, bounded on the east by Clenk's land, and on the south and west by the quarter line of said section, and extending north far enough to make one hundred acres; also, fifty acres of land lying between Tyler's and Goodhue's land, and land contracted by Smith B. Warner to J. E. Everts, bounded on the north by the county line, and south by land contracted to said Everts, on the north-west fractional quarter of section number two, in township four north of range number one east; also, the north part of the north-west fractional quarter of section number three in township number four north of range number one east, containing about seventy acres of land; also, forty acres of land, being the south part of the west half of the north-west fractional quarter of section three, in township number four north of range number one east, in as full, sufficient and ample a manner as if said Prudence Kent and Francis S. Warner were of full age. *Provided*, That no such conveyance or conveyances shall be of any effect unless the judge of probate of said county of Shiawassee shall, under his hand and seal of his office, certify upon the back of such conveyance or conveyances his approval of the same.

Provided.

Guardians
to re-invest

Sec. 2. The general guardians of said minors shall receive, take charge of, invest, and be accountable for the proceeds of all sales and conveyances made by said minors, or either of them, in pursuance of this act, in the same manner that they now do the other personal property of said minors as such guardians.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 292.]

AN ACT to amend certain sections of an act entitled an act to prescribe the powers and duties of justices of the peace in civil proceedings, approved April 9th, 1841.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section 122 of an act entitled "an act to prescribe the powers and duties of justices of the peace in civil proceedings," approved April 9th, 1841, be and the same is hereby amended by striking out the word "circuit," in the twelfth line of said section, and insert "county." And also that section 123 of said act be and the same is hereby amended by striking out the word "justice," in the fourth line of said section, and insert "circuit court commissioner or the judge." Also, that section 135 be amended by striking out the word "circuit," in the second line, and insert the word "county."

Sec. 122 of act No. 69 of 1841 amended.

Sec. 123 amended.

Sec. 2. That all allowances of writs of certiorari which have been made by any of the justices of the supreme court, upon affidavits presented, where the cause was originally tried by a justice of the peace, be confirmed, and be of the same effect as if they had been allowed by the circuit court commissioner of the proper county.

Certiorari writs.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 293.]

AN ACT to incorporate the Northern Michigan Telegraph Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Alva Strong, George Dawson, Charles W. Chappell, Henry R. Sheldon, Henry O'Reilly, Harvey Ely, Albert W. Snow, Harrison Swift, Henry Barnes, Phineas Homan, Elon W. Hudson, and Josiah Snow, and all others who are or may become associated with them in the Northern Michigan Telegraph Company, be and the same are hereby constituted a body politic and corporate for the purpose of constructing and owning a line or lines of telegraph from the city of Detroit to Lansing, Grand

Incorporation.

Rapids, and from thence to connect with telegraph lines now running to Chicago, and also from Detroit to Port Huron, with the right to establish branches thereto; and said corporation shall have perpetual succession.

Capital.

Sec. 2. The capital stock of said corporation shall not exceed one hundred and fifty thousand dollars, and shall be divided into shares of fifty dollars each, which stock shall be transferrable under such regulations as may be provided by the by-laws of said company.

**General
Powers.**

Sec. 3. Said corporation are hereby empowered to purchase, have and to hold, possess and enjoy to themselves and their successors, real estate in such city, town or village, as they may deem to the interest of the company, for the erection of suitable buildings for telegraphic purposes; to sue and be sued, plead and be impleaded in all courts in this State; to have and use a common seal, and to ordain and put in execution such by-laws for the government of said corporation and the transaction of its business as may be necessary to carry out the true intent and meaning of this act, and for no other purpose: *Provided*, They are not repugnant to the laws of this State and the constitution of the United States: *And provided further*.

Taxes.

That all real estate held or possessed by said corporation shall at all times be subject to taxation in every respect the same as the real estate of an individual; and this shall not be construed so as to exempt said corporation from the payment of any specific tax for which they may be liable; but such specific tax shall be in addition to and beside any and all taxes on real estate.

**Annual
election.**

Sec. 4. The annual election for officers of said corporation shall be held on the [first] Monday of January of each year. The number of directors of said corporation shall not be less than five nor more than thirty, who shall hold their offices for one year, or till their successors are elected. The directors so elected shall appoint

Officers.

a president, secretary and treasurer, who shall hold their offices until removed by the board of directors. Each share of stock shall be entitled to one vote.

**General
provisions.**

Sec. 5. Said Northern Michigan Telegraph Company shall be subject to all the provisions of an act authorizing any persons to construct lines of electric telegraph in the State of Michigan, approved January 28th, 1847, so far as the same are applicable, and the same are hereby made a part of this act.

Sec. 6. The Legislature may at any time amend or repeal this act.

Sec. 7. This act shall take effect and be in force whenever the secretary of the Northern Michigan Telegraph Company files in the office of the Secretary of State an acceptance of this act.

Approved April 2, 1850.

[No. 294.]

AN ACT to incorporate the Cleveland Iron Mining Company of Michigan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That John Outhwaite, M. S. Hewit, C. D. Brayton, and others who shall be appointed [associated] with them, are hereby constituted a body corporate, by the name of the Cleveland Iron Mining Company of Michigan, for the purpose of mining, smelting and manufacturing ores, minerals and metals, in the upper peninsula of Michigan: *Provided*, That nothing in this act contained shall confer on said company any powers of banking or brokerage, exchange, dealing in money, purchasing any stock of any bank, or for any other purposes than herein particularly specified.

Sec. 2. The said company shall have corporate succession; its capital stock shall be one hundred thousand dollars, divided into five thousand shares of twenty dollars each; and said company may acquire and hold such real and personal estate as the business of said company may require, to [an] amount not exceeding the capital stock; but said company shall not hold more than six hundred and forty acres of land in legal sub-divisions in the upper peninsula, and shall hold no real estate in the lower peninsula except a warehouse, lot and office, and such as may be necessary for smelting purposes.

Sec. 3. The officers of said company shall be stockholders therein, and shall consist of a president, and board of six directors, of whom the president shall be [one,] a secretary and treasurer, who may, at the pleasure of the company, be one and the same person; and the said company may enact by-laws, not inconsistent with the

laws of this State, to levy assessments on the shares of its stock, to forfeit and sell said shares for non-payment of any such assessments, in such manner as said by-laws shall prescribe, to provide for the manner of electing officers, and for such other purposes, as may be necessary to carry out the intent and meaning of this act: *Provided*, That until the first annual meeting of said company after organization under this act, John Outhwaite, M. S. Hewit, C. D. Brayton, and three such other persons as the company may see fit to appoint, shall be and continue, and they and their successors are expressly constituted directors of said company, one of whom shall be a citizen of Michigan, and shall have and exercise all the powers and be subject to all duties and restrictions imposed on the directors to be chosen under this act.

By-laws. *1st directors.* *State tax.* *Report to State Treasurer.* *1st meeting.* Sec. 4. The said company shall pay the Treasurer of the State of Michigan an annual tax of one-half per centum on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all money borrowed by said company; which tax shall be paid on the first Monday of July in each year, and shall be estimated upon the last preceding report of said company; and said company shall, in like manner, pay the treasurer of the county in which the lands occupied by them for mineral purposes are located, an annual tax of one-half per centum, to be appropriated by the board of supervisors of said county, to county, township, school and highway purposes; and for such purposes the president and secretary of said company shall, on the first Monday of January, or within fifteen days previous thereto, make, under their hands, a return to the State Treasurer and to such county treasurer, verified by their several oaths or affirmations, stating the amount which has actually been paid in on the capital stock of said company, and also the whole amount of money which at any time has been borrowed by said company; and any investment of any portion of the nett profits of said company shall be considered as so much capital paid in, and returned to the State and county treasurers accordingly; and said tax shall be in lieu of all other taxes upon the personal property and real estate of said company.

Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section of this act, or any two of them, shall appoint, by a notice to be published in ~~an~~

or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Sec. 6. Any inhabitant of the State of Michigan, not a stockholder of said company; shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands against said company, to the amount of one hundred dollars or under, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company; and any person may enforce said lien by filing in any court in the county where said debt was contracted, having jurisdiction thereof, an affidavit showing to the satisfaction of such court that he has a claim under the provisions of this section; and such court may thereupon issue an attachment against the property of said company, and the same proceedings may be thereupon had as in other cases.

Sec. 7. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six of this State, so far as the same are not inconsistent with the provisions of this act. General provisions.

Sec. 8. The said company shall, within six months after their organization under the provisions of this act, locate their business office or offices, one of which shall be in this State, and file in the office of the Secretary of State of Michigan a certificate specifying the place or places of such location. All annual and other meetings of said company shall be held at such place or places as the by-laws of the company, by its board of directors, may designate and direct. Business office.

Sec. 9. Service of any legal process may be made on any one of the officers of said company; and said company shall at all times have an agent residing in the city of Detroit, upon whom service of all legal process may at any time be made, which shall be as valid as if made upon any of such officers. A certificate in writing of the appointment of such agent, shall be filed in the office of the county clerk of the county of Wayne; and if no such agent shall be appointed, or if neither such agent nor any such officer shall be found in the county of Wayne, then service thereof may be made by posting up a copy of such process in some conspicuous place in said clerk's office. Service of process.

Sec. 10. The stockholders of said company shall be severally and individually liable to an amount equal to the amount of stock held by

them respectively, for all debts and contracts made by said company, until the amount of stock held as aforesaid shall have been paid in, and a return made to the State Treasurer, as prescribed in section four of this act; and they shall be jointly and severally liable for all debts that may be due or owing to any and all their laborers, or any person or persons in their employ, for services performed for such corporation, but shall not be liable to an action therefor before an execution shall be returned unsatisfied, in whole or in part, against said company; and then the amount due on said execution shall be the amount recoverable, with cost and interest, against said stockholders. If the directors of said company, or their agent, contract debts for the company exceeding in the aggregate the amount of capital stock paid in, said directors shall be individually and personally liable for all debts of said company.

Dividend:

Sec. 11. If the directors of said company shall declare and pay any dividend when said company is insolvent, or which would render it insolvent, they shall be jointly and severally liable for all the debts of said company then existing, and for all debts thereafter contracted so long as they shall respectively continue in office.

Time for
payment of
capital stock
limited.

Sec. 12. This act shall cease, determine and be void if said company shall not pay in ten per cent. of their capital stock within two years after the passage of this act; and the amount of the capital stock of said company shall be limited to, and never thereafter exceed, the amount paid in at the time the annual report of said company is made for the year eighteen hundred and sixty.

Duration of
charter.

Sec. 13. This act shall take effect immediately, and shall continue in force thirty years; but may be annulled or repealed at any time by the Legislature, if said company violate or fail to comply with any of the provisions of this act.

Approved April 2, 1850.

[No. 295.]

AN ACT to provide for the appraisal of certain lands in Berrien County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That the Governor of this State shall ap-*

point three suitable persons, residents of the county of Berrien, for *Appraisers.*
the appraisal of the lands hereinafter described.

Sec. 2. It shall be the duty of the said appraisers forthwith after
their appointment by the Governor, to proceed upon, and examine *Their duties*
and appraise at their true and just value per acre, (exclusive of all
improvements thereon,) the lands described in University certificates
numbered three hundred and thirty, three hundred and thirty-one,
three hundred and thirty-two, three hundred and thirty-three, three
hundred and thirty-four and four hundred and five, situated in sec-
tion twenty-four, township four south of range nineteen west; also,
the lands described in University certificates numbered twenty, fifty-
two, sixty, sixty-one, and sixty-nine, in section twenty-six, township
four south of range nineteen west; all of said lands being in the
township of St. Joseph in the county of Berrien, and known as Uni-
versity lands.

Sec. 3. Said appraisers shall immediately thereafter make out
and transmit to the Commissioner of the State land office, a statement *Ibid.*
of the said appraisal, containing a description and valuation of the
lands contained in each of said certificates, but said valuation shall
not be less than six (6) dollars per acre.

Sec. 4. It shall be the duty of the said commissioner to credit the *Duties of*
grantees named in said certificates, their heirs, administrators and *Clow. State*
assigns, with the difference between said valuations and the prices *Land Office*
at which said lands were purchased as stated in said certificates;
but no credit shall reduce the price of said lands below six dollars
per acre, with interest thereon, from the time of purchase.

Sec. 5. Said grantees, their heirs and assigns, may hold any part *Ibid*
of said lands in the legal sub-divisions named in said certificates of
purchase, and surrender the balance of them to the State; and all
moneys paid to the State by said grantees, their heirs and assigns,
upon said lands, shall be credited to said grantees, their heirs and
assigns, upon such lands as they shall elect to hold as aforesaid, up-
on the surrender to the said commissioner by the said grantees, their
heirs and assigns, of the certificates of purchase of the lands so sur-
rendered to the State; and if necessary in carrying out the provis-
ions of this section, said commissioner is hereby authorized to issue
new certificates upon the surrender of the certificate originally issu-
ed to said grantees.

Certificates
revived.

Sec. 6. For the purpose of carrying out this act, certificates twenty, three hundred and thirty-two, three hundred and thirty-three and three hundred and thirty-four, be and the same are hereby revived.

Pay of ap-
praisers.

Sec. 7. Said grantees, their heirs or assigns, shall pay to said appraisers for their services, as soon as rendered, one dollar to each for every day thus employed, and fifty cents for each half day, and five cents per mile for traveling fees for going only to the place of appraisal; but no money shall be drawn from the State under the provisions of this act.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 296.]

AN ACT to provide for the sale of a site to School District Number Five, in the township of Tecumseh, for a school house.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Commissioner of the Land Office is hereby authorized to sell to school district number five, in the township of Tecumseh, such a portion of section sixteen in said township as has been or may be selected pursuant to law as a site for a school house in said district, upon the surrender of the certificate of purchase which has been issued for the land embracing such site; and on such surrender the said Commissioner may issue a new certificate for the remainder of said land embraced in the appraised certificate, and upon like terms and constructions [conditions.]

Sec. 2. This act shall take effect immediately.

Approved April 2, 1850.

[No. 297.]

AN ACT to authorize James Shepherd, guardian of Esther Ann Shepherd, to convey certain real estate.

Authorized
to convey.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That James Shepherd, guardian of Esther

~~Ann Shepherd, be and he is hereby authorized and empowered to bargain, sell and convey, in the behalf of the said Esther Ann Shepherd, all the right, title and interest which the said Esther Ann has in the following described piece or parcel of land, to wit: the east fractional half of the south-west quarter of section thirty-four, in township two north of range three west, in the county of Eaton.~~

Sec. 2. Said James Shepherd is hereby authorized to sell and convey said land entire or in parcels, as to him shall appear to be most for the interest of the said Esther Ann; but no conveyance of said land made by said James Shepherd shall be of any force or effect unless the Judge of Probate of Eaton county shall, under his hand and seal of office, certify upon the back of said conveyance his approval of the same.

Judge of
Probate to
approve of
sale.

Sec. 3. Before the land mentioned in the first section of this act shall be conveyed, the said James Shepherd shall execute and deliver to the Judge of Probate of said county, a bond, with at least two sufficient sureties, to be approved by said Judge, conditioned that he will faithfully apply the proceeds of such sale in the manner provided by section three of chapter seventy-eight of the revised statutes of 1846, as printed.

Guardian to
give bond.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 298.]

AN ACT to authorize Delia C. Cole, Charles Henry Cole and Mariett Lavinia Cole, to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Delia C. Cole, and Charles Henry Cole, and Mariett Lavinia Cole, of the town of Napoleon in the county of Jackson, be and they are hereby authorized to sell and convey the following described land, viz: the south seventy-six acres of the west half of the south-east quarter of section thirty, township four south of range two east. Also the south-west half of the north-east quarter of section twenty-six, township four south of range one east, in the county of Jackson, and to give to the purchaser or purchasers thereof a good and sufficient deed: *Provided, Any*

Authorized
to convey.

Provide.

of his successor for the property delivered over to him shall be obtained and payment for all deficiencies made.

Members of
legislature. Sec. 4. Before any member of the Senate or of the House of Representatives, or of the Convention to revise the Constitution, shall receive their pay in full, it shall be necessary for such member to obtain and exhibit a certificate from the Librarian, stating that such member has returned all books he may have drawn, if any, from the State Library.

Prosecution
for detent'n
of books. Sec. 5. If, at the expiration of sixty days after the passage of this act, any person shall unlawfully or improperly have in his possession any book or books belonging to the State Library, such person shall be liable to prosecution therefor, both by civil and criminal proceedings; and it shall be the duty of the Attorney General to ascertain, so far as practicable, the names of those who may become liable under this section, and forthwith to prosecute the same.

Sec. 6. The Secretary of State shall cause this act to be published for six weeks next succeeding its passage, in each of the newspapers published in the city of Detroit.

Sec. 7. All provisions of law inconsistent with this act are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 301.]

AN ACT to establish a police court in the city of Detroit.

Police justice. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there shall be a police justice in the city of Detroit; the first election for said justice shall be held on the first Monday of May next, in the city of Detroit, to be conducted in the same manner as justices of the peace are elected at the charter election of said city; and the first incumbent of said office shall hold his office from the time he is elected till the 4th day of July in the year 1854; and at the charter election of said city, and at the interval of every four years, the said justice shall be elected in the manner provided for the election of justices of the peace in said city, to hold his office for four years, the term of which shall commence on the

Election.

fourth day of July of the year in which he is elected; and in case of a vacancy occurring in the said office of police justice, the common council shall order a special election, giving twenty days notice thereof. And said police justice shall, before entering upon the duties of his office, take and subscribe the oath prescribed by the constitution of this State, before some officer authorized by law to administer oaths, and deposit the same with the clerk of the county of Wayne, who shall file and preserve the same in his office. Oath.

Sec. 2. He shall, except in case of his absence or inability to act, have sole and exclusive jurisdiction to hear all complaints, to conduct all examinations in criminal cases, and to try all offences which by the laws of this State are now brought and established within the jurisdiction of justices of the peace, and which may hereafter arise within the corporate limits of said city of Detroit. Duties.

Sec. 3. Warrants may be issued in criminal cases for the apprehending of offenders by any justice of the peace in said city of Detroit; but they shall be made returnable before the said police justice, except in case of his absence or inability, or a vacancy in said office. 1844.

Sec. 4. He shall reside and keep an office in the city of Detroit, and attend to all complaints of a criminal nature which may be brought before him at all reasonable hours; and in case of his removal from said city, his death or resignation, his office shall be vacated, and another person then acting in said city as a justice of the peace, shall be appointed by the common council of said city, who shall serve as such police justice until after the next ensuing charter election, when a police justice shall be elected to fill the vacancy. Vacation.

Sec. 5. No justice of the peace residing in said city of Detroit shall be entitled to receive any fees for, or bound to render any services in criminal cases, except during the sickness, absence or inability of the said police justice as aforesaid; in which case it shall be the duty of the several justices of the peace in said city to render the same services, and they shall receive the same fees, as though this act had not passed. Justices of the Peace.

Sec. 6. When any warrant returnable before said police justice shall be returned during his absence, sickness, or inability to act, or during a vacancy (if such occurs) in said office, any further proceedings on such warrant may be had before any justice of the Warrants.

peace residing in said city of Detroit; and all warrants issued by the said police justice for the apprehending of criminals, shall have the same effect, and be subject to the same restrictions as warrants issued by justices of the peace in similar cases.

Security for
costs.

Sec. 7. The said police justice shall have authority in all cases, at his discretion, either before or after the issuing of process, to require of the complainant security for costs, to the satisfaction of said justice; and the person giving such security shall sign a memorandum in writing to that effect, which said justice shall keep as a part of the record of the case; and in all cases non-resident complainants shall give such security before process shall issue. If the defendant or prisoner be discharged on examination by said police justice, or acquitted on trial, the said justice shall enter a judgment for costs against the surety and the complainant, either or both of them, which shall be of like force and effect, and shall be collected on execution, as any other judgment rendered by a justice of the peace; *Provided*, That said justice shall certify on his record that such payment of costs by the prosecutor or his surety, in his opinion, is equitable; and all costs collected by him from either parties to complaints or prosecutions before him, and which by law are taxable as justices' costs, shall be accounted for and paid over to the county treasurer of the county of Wayne, as often as once in every thirty days, and his receipt taken for the same; and all fines or other moneys coming to his hands, shall be paid out and disposed of as is now provided by law with reference to justices of the peace.

Proviso.

Salary.

Sec. 8. The said police justice shall not be entitled to receive to his own use any fees for services performed under this act, but in lieu thereof he shall receive an annual salary of twelve hundred dollars per year for the time he shall exercise the duties of such office, to be fixed from year to year by the board of county auditors for said county of Wayne, which shall be allowed, raised and paid by said board as other county charges are allowed and paid; and during the time he remains such police justice he shall not perform the duties of a civil magistrate.

Sec. 9. This act shall take effect and be in force from and after its passage; but nothing in this act contained shall be so construed as in any wise to affect the jurisdiction of justices of the peace in crimi-

mal proceedings, until said police justice shall be elected and qualified according to the provisions of this act.

Approved April 2, 1850.

[No. 302.]

AN ACT to enable Milton H. Butler to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Milton H. Butler be and he is hereby authorized and empowered to sell and convey and execute a deed of the following described tract and parcel of land: being the north part of fractional section twenty-three, in township two north of range thirteen east, containing seventy-five and forty-five one hundredth acres of land: *Provided*, The judge of probate of Macomb county approve the sale of said land, and endorse his approval of the sale on the deed conveying said land.

Sec. 2. The deed, when so executed, and acknowledged in the common form, shall be as good and valid in law as it would have been if the said Milton H. Butler had been of lawful age, and shall invest the purchaser with an absolute title of the land described in said deed.

Sec. 3. This act shall take effect immediately.

Approved April 2, 1850.

[No. 303.]

AN ACT to incorporate the Eureka Mining Company of Michigan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That John Senter, Luther W. Clark, Samuel W. Hill, Simon Mandlebaum, and others who shall be associated with them, are hereby constituted a body corporate, by the name of the Eureka Mining Company of Michigan, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of Michigan: *Provided*, That nothing in this act contained shall confer on said company any powers of banking or brokerage, exchange, dealing in money, purchasing any stock of any bank, or for any other purposes than herein particularly specified.

Capital. **Sec. 2.** The said company shall have corporate succession; its capital stock shall be two hundred thousand dollars, divided into ten thousand shares of twenty dollars each; and said company may acquire and hold such real and personal estate as the business of said company may require, to an amount not exceeding the capital stock; but such company shall not hold more than six hundred and forty acres of land in legal sub-divisions in the upper peninsula, and shall hold no real estate in the lower peninsula, except a ware house, lot and office, and such as may be necessary for smelting purposes.

Real estate. **Sec. 3.** The officers of said company shall be stockholders therein, and shall consist of a president and board of six directors, of whom the president shall be one, a secretary and treasurer, who may at the pleasure of the company be one and the same person; and the said company may enact by-laws, not inconsistent with the laws of this State, to levy assessments on the shares of its stock; to forfeit and sell such shares for non-payment of any such assessment, in such manner as said by-laws shall prescribe; to provide for the manner of electing officers, and for such other purposes as may be necessary to carry out the intent and meaning of this act: *Provided*, That until the first annual meeting of said company after organization under this act, John Senter, Luther W. Clark, Simon Mandlebaum, Samuel W. Hill, and two such other persons as the company may see fit to appoint, shall be and continue, and they and their successors are expressly constituted, directors of said company; one of whom shall be a citizen of Michigan, and shall have and exercise all the powers, and be subject to all duties and restrictions imposed on the directors to be chosen under this act.

Officers.

By-laws.

First directors

State tax **Sec. 4.** The said company shall pay to the treasurer of the State of Michigan an annual tax of one per centum on the whole amount of capital actually paid in upon the capital stock of said company, upon all sums of money borrowed by said company; and any investment of any portion of the earnings of said company in their business, shall be considered as so much capital paid in; which tax shall be paid on the first Monday of January in each year, and shall be estimated upon the last preceding report of said company; and for that purpose, the president and secretary of said company shall, on

Report to State Treasurer

the first day of December, or within fifteen days thereafter, make, under their hands, a return to the State Treasurer, verified by their several oaths or affirmations, stating the number of acres and legal sub-divisions of all lands owned, and of all land in possession of said company; also the amount which has actually been paid in on the capital stock of said company; the investment of any portion of the earnings of said company in their business; the whole amount of money which at any time has been borrowed by said company; and the whole amount of the indebtedness of said company, exclusive of borrowed money; and said tax shall be in lieu of all State taxes upon the real and personal estate of said company. If any report or return, made by the officers of this company in pursuance of the provisions of this act, shall be false in any material representation, all the officers who shall have signed the same shall be jointly and severally liable for all the debts of said company, contracted while they are stockholders or officers thereof.

Liability for false report.

Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section of this act, or any two of them, shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

First meeting.

Sec. 6. Any inhabitant of the State of Michigan, not a stockholder of said company, shall have a lien upon the stock, appurtenances and entire property of said company for all claims and demands against said company to the amount of one hundred dollars or under, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company; and any person may enforce said lien by filing with any court in the county where said debt was contracted, having jurisdiction thereof, an affidavit showing to the satisfaction of such court that he has a claim under the provisions of this section; and such court may thereupon issue an attachment against the property of said company, and the same proceedings may be thereupon had as in other cases.

Lien.

Sec. 7. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, of this State, so far as the same are not inconsistent with the provisions of this act.

General provisions.

Business of
rice.

Sec. 8. The said company shall, within six months after their organization under the provisions of this act, locate their business office or offices, one of which shall be in this State, and file in the office of the Secretary of State of Michigan, a certificate specifying the place or places of such location. All annual or other meetings of said company shall be held at such place or places, as the by-laws of the company, by its board of directors, may designate and direct.

Service of
process.

Sec. 9. Service of any legal process may be made on any one of the officers of said company; and said company shall at all times have an agent residing in the city of Detroit, upon whom service of all legal process may at any time be made, which shall be as valid as if made upon any of such officers. A certificate in writing of the appointment of such agent shall be filed in the office of the county clerk of the county of Wayne; and if no such agent shall be appointed, or if neither such agent nor such officer shall be found in the county of Wayne, then service thereof may be made by posting up a copy of such process in some conspicuous place in said clerk's office.

Liability

Sec. 10. The stockholders of said company shall be severally individually liable, to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by said company, until the amount of stock held as aforesaid shall have been paid in, and a return made to the State Treasurer as prescribed in section four of this act; and they shall be jointly and severally liable for all debts that may be due or owing to any and all their laborers, or any other person or persons in their employ, for services performed for such corporation; but shall not be liable to an action therefor before an execution shall be returned unsatisfied in whole or in part against said company, and then the amount due, on said execution shall be the amount recoverable with cost and interest against said stockholders. If the directors of said company, or their agents, contract debts for the company exceeding in the aggregate the amount of capital stock paid in, said directors shall be individually and personally liable for all debts of said company.

Dividends.

Sec. 11. If the directors of said company shall declare and pay any dividend when said company is insolvent, or which would render it insolvent, they shall be jointly and severally liable for all the

debts of said company then existing, and for all debts thereafter contracted; so long as they shall respectively continue in office.

Sec. 12. This act shall cease, determine and be void if said company shall not pay in ten per cent. of their capital stock within two years after the passage of this act; and the amount of the capital stock of said company shall be limited to, and never thereafter exceed the amount paid in at the time the annual report of said company is made for the year eighteen hundred and sixty

Time for payment of capital limited.

Sec. 13. This act shall take effect immediately, and shall continue in force thirty years; but may be amended or repealed at any time by the Legislature, if said company violate or fail to comply with any of the provisions of this act.

Duration of charter.

Approved April 2, 1850.

[No. 304.]

AN ACT to authorize William Wells, administrator, and Catharine Cusick, administratrix, on the estate of Clark S. Cusick, to convey certain real estate.

Whereas, Clark S. Cusick, late of Macomb county, did, during his life-time, sell to William S. Criswell, by verbal contract, fourteen acres of land on section thirty-five, town six, range fourteen, in the county of St. Clair, and receive his pay for the same, and did not convey said land to said Criswell; therefore,

Preamble.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That William Wells, administrator, and Catharine Cusick, administratrix, on the estate of said Clark S. Cusick, be and they are hereby authorized and empowered to convey the said land, so sold by the said Clark S. Cusick to the said William S. Criswell, in conformity with the terms of such sale; and such conveyance shall be as valid and of the same force and effect as if the said William Wells and Catharine Cusick were the absolute owners in fee of said land.

Authorized to convey.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 395.]

AN ACT to incorporate the Detroit and Lake Superior Smelting and Mining Company of Michigan.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Michigan, That A. Henry Geisse, Ebenezer Warner, Horatio Bigelow, John Whitney, William Walworth, Sheldon McKnight, John Bacon, John L. Harmon, Luther W. Clark, Stephen R. Wood, George R. Griswold, Claudius B. Long, Robert B. Gravert, Enoch C. Roberts, and others who shall be associated with them, are hereby constituted a body corporate, by the name of the Detroit and Lake Superior Smelting and Mining Company of Michigan, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of Michigan: Provided, That nothing in this act contained shall confer on said company any powers of banking or brokerage, exchange, dealing in money, purchasing any stock of any bank, or for any other purposes than herein particularly specified.

Sec. 2. The said company shall have corporate succession; its capital stock shall be five hundred thousand dollars, divided into ten thousand shares of fifty dollars each; and said company may acquire and hold such real and personal estate as the business of said company may require, to an amount not exceeding the capital stock; but said company shall not hold more than six hundred and forty acres of land in legal sub-divisions in the upper peninsula, and shall hold no real estate in the lower peninsula except a ware house, lot and office, and such as may be necessary for smelting purposes.

Sec. 3. The officers of said company shall be stockholders therein, and shall consist of a president and board of six directors, of whom the president shall be one, a secretary and treasurer, who may at the pleasure of the company be one and the same person; and the said company may enact by-laws, not inconsistent with the laws of this State, to levy assessments on the shares of its stock, and forfeit and sell said shares for non-payment of any such assessments, in such manner as said by-laws shall prescribe; to provide for the manner of electing officers, and for such other purposes as may be necessary to carry out the intent and meaning of this act: Provided, That until the first annual meeting of said company, after organization under this act, A. Henry Geisse, Ebenezer Warner, Horatio

Bigelow, Sheldon McKnight, William Walworth and John Bacon, shall be and continue, and they and their successors are expressly constituted directors of said company, one of whom shall be a citizen of Michigan, and shall have and exercise all the powers, and be subject to all duties and restrictions imposed on the directors to be chosen under this act.

Sec. 4. The said company shall pay to the Treasurer of the State of Michigan an annual tax of one per centum on the whole amount of capital actually paid in upon the capital stock of said company, upon all sums of money borrowed by said company; and any investment of any portion of the earnings of said company in their business shall be considered as so much capital paid in; which tax shall be paid on the first Monday of January in each year, and shall be estimated upon the last preceding report of said company; and for that purpose the president and secretary of said company shall, on the first day of December, or within fifteen days thereafter, make under their hands a return to the State Treasurer, verified by their several oaths or affirmations, stating the number of acres and legal sub-divisions of all lands owned, and of all lands in possession of said company; also the amount which has actually been paid in on the capital stock of said company, the investment of any portion of the earnings of said company in their business, the whole amount of money which at any time has been borrowed by said company, and the whole amount of the indebtedness of said company, exclusive of borrowed money; and said tax shall be in lieu of all State taxes upon the real and personal estate of said company. If any report or return made by the officers of this company, in pursuance of the provisions of this act, shall be false in any material representation, all the officers who shall have signed the same shall be jointly and severally liable for all the debts of said company, contracted while they are stockholders or officers thereof.

Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section of this act, or any two of them, shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Sec. 6. Any inhabitant of the State of Michigan, not a stockholder of said company, shall have a lien upon the stock, appurtenances

State tax.

Report.

Liability for false report.

First meeting.

Lien.

and entire property of said company for all claims and demands against said company to the amount of one hundred dollars or under, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company; and any person may enforce said lien by filing with any court in the county where said debt was contracted, having jurisdiction thereof, an affidavit showing to the satisfaction of such court that he has a claim under the provisions of this section; and such court may thereupon issue an attachment against the property of said company, and the same proceedings may be thereupon had as in other cases.

General
provisions.

Sec. 7. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, of this State, so far as the same are not inconsistent with the provisions of this act.

Business of
the.

Sec. 8. The said company shall, within six months after their organization under the provisions of this act, locate their business office or offices, one of which shall be in this State, and file in the office of the Secretary of State of Michigan, a certificate specifying the place or places of such location. All annual and other meetings of said company shall be held at such place or places as the by-laws of the company, by its board of directors, may designate and direct.

Service of
process.

Sec. 9. Service of any legal process may be made on any one of the officers of said company; and said company shall at all times have an agent residing in the city of Detroit, upon whom service of all legal process may at any time be made, which shall be as valid as if made upon any of such officers. A certificate in writing of the appointment of such agent shall be filed in the office of the county clerk of the county of Wayne; and if no such agent shall be appointed, or if neither such agent nor any such officer shall be found in the county of Wayne, then service thereof may be made by posting up a copy of such process in some conspicuous place in said clerk's office.

Individual
liability.

Sec. 10. The stockholders of said company shall be severally individually liable to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by said company, until the amount of stock held as aforesaid shall have been paid in, and a return made to the State Treasurer as prescribed in section

four of this act; and they shall be jointly and severally liable for all debts that may be due or owing to any and all their laborers, or any other person or persons in their employ, for services performed for such corporation; but shall not be liable to an action therefor before an execution shall be returned unsatisfied in whole or in part against said company, and then the amount due on said execution shall be the amount recoverable with costs and interest against said stockholders. If the directors of said company, or their agents, contract debts for the company exceeding in the aggregate the amount of capital stock paid in, said directors shall be individually and personally liable for all debts of said company.

Sec. 11. If the directors of said company shall declare and pay any dividend when said company is insolvent, or which would render it insolvent, they shall be jointly and severally liable for all the debts of said company then existing, and for all debts thereafter contracted, so long as they shall respectively continue in office. Dividends.

Sec. 12. This act shall cease, determine and be void if said company shall not pay in ten per cent of their capital stock within two years after the passage of this act; and the amount of the capital stock of said company shall be limited to and never thereafter exceed the amount paid in at the time the annual report of said company is made for the year eighteen hundred and sixty. Time for payment of capital limited.

Sec. 13. This act shall take effect immediately, and shall continue in force thirty years; but may be amended or repealed at any time by the legislature, if said company violate or fail to comply with any of the provisions of this act. Repeal.

Approved April 2, 1860.

[No. 306.]

AN ACT to incorporate the Lawrence Literary Institute Association.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That from and after the passage of this act, John Andrews, John L. Marvin, Horatio N. Phelps, Tobias Miles, Henry W. Hurlburt, Jonathan N. Hinkley, Nelson S. Marshall, Humphrey P. Barnum and Philotus Hayden, of the county of Incorporation

Van Buren, and their successors, be and they are hereby constituted and ordained and declared a body corporate, under the name and style of the Lawrence Literary Institute Association; and by that name they and their successors shall have perpetual succession, and shall constitute a body corporate, in law capable of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts of record whatever, and in all manner of suits, actions, complaints, matters and causes whatever; and they, as a body corporate, may have a common seal, and may change or alter the same at their pleasure; and the said body corporate, under the name, style and title of the Lawrence Literary Institute Association, shall be capable in law of acquiring and holding by purchase or gift or otherwise, and of selling, conveying or leasing any estate, real, personal or mixed, for the use of said corporation, not exceeding in amount ten thousand dollars: *Provided*, Said corporation shall hold no real estate more than fifteen years after the same shall have been conveyed to them, except such real estate as shall be necessary for the objects of said corporation. And the said body corporate shall have full power to make and to enter into contracts; to make such rules and by laws as they may deem necessary for the good government and management of the affairs of said incorporation: *Provided*, Such by-laws contain no requirements, prohibitions or penalties inconsistent with the laws and constitution of the State of Michigan.

Proviso.

Proviso.

Trustees.

Vacancies.

Sec. 2. The management and control of the affairs of said corporation shall be vested in a board of nine trustees, who shall elect from their number a president, secretary and treasurer. Said trustees shall be elected annually from among the stockholders, on the third Tuesday of June, by a majority of the stockholders present and voting; and the above named persons mentioned in this act of incorporation shall be the first trustees, who shall hold their offices until the third Tuesday in June, eighteen hundred and fifty-one, or until such time as others are elected in their stead; and said board may have power to fill all vacancies that may occur in their own body, either by death, removal or resignation.

Sec. 3. Said corporation shall have the power to establish in the village of Lawrence in the county of Van Buren, an institution for

the instruction of young persons in the ordinary and higher departments of learning. Powers.

Sec. 4. The capital stock of said corporation shall be limited to ten thousand dollars, in shares of ten dollars each; and the trustees are hereby authorized to receive subscriptions thereto, at such times and places as they or a majority of them shall designate. Said shares to be assignable and transferrable agreeably to such by-laws as the trustees may enact, and shall in law be considered personal property. Capital.

Sec. 5. The board of trustees shall cause to be transmitted to the Superintendent of Public Instruction, annually, on or before the tenth day of November, a full statement of the condition of the institute. Report.

Sec. 6. The trustees of said association shall be jointly and severally liable for all debts contracted while they were in office, but no execution shall issue against the individual property of all the trustees until the property of the association shall first have been exhausted. Liability.

Sec. 7. The Legislature may at any time alter, amend or repeal this act.

Approved April 2, 1850.

[No. 307.]

AN ACT to provide for the publication of certain laws.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That it shall be the duty of the Secretary of State to cause the general laws of each session of the Legislature of this State, to be published in the Michigan Tribune, a German paper published in the city of Detroit: *Provided,* The publisher of said paper will publish such laws at the same price now paid to the State Printer for publishing the same laws.¹ Where published.

Sec. 2. The expense of publishing said laws shall be paid by the State Treasurer, on the certificate of the Secretary of State, and audited by the Auditor General, out of any money in the general fund not otherwise appropriated. Pay.

Sec. 3. This act shall take effect from and after its passage.

Approved April 2, 1850.

[No. 308.]

AN ACT to incorporate the Niles Union Hall Association.

incorporation. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Robert Wilson, James Brown, Harvey Palmer, Benjamin F. Fish and Alfred L. Dennison, and all persons who now are or may become associated with them, are hereby constituted a body corporate and politic, by the name and style of the Niles Union Hall Association, and by that name shall have succession, and be capable of taking and holding by gift or grant, or purchasing, holding and conveying by sale, lease or otherwise, any estate, real and personal, necessary for the purposes of said corporation: *Provided,* Said corporation shall only hold such real estate as shall be necessary for the objects of said corporation: *Provided also,* The amount of real and personal estate which said corporation may hold, shall not at any time exceed the sum of ten thousand dollars.

Proviso

Objects. Sec. 2. The object of this association shall be to purchase a site and erect thereon a convenient edifice for the accommodation of public and private assemblies, and for lecture and reading rooms

Officers and by-laws. Sec. 3. The government of said association, and the management of its affairs and property, shall be vested in such officers, and according to such rules and regulations as the by-laws thereof shall from time to time ordain: *Provided,* That such by-laws shall not conflict with any laws of this State and the constitution of the United States or of this State.

Statement of affairs. Sec. 4. The Legislature may at any time demand a statement of the amount of property, real and personal, belonging to said corporation, and of the debts due to and from said corporation, and the purposes for which disbursements shall have been made; and shall also have the right to authorize one or more persons to inspect such general accounts in the books of said corporation.

General powers. Sec. 5. The said corporation shall possess the general powers usually granted to corporations for the purposes mentioned in this act, and in the name of its corporate title may sue and be sued.

Sec. 6. The corporators mentioned in this act, shall be jointly and severally liable for the payment of any debts contracted by such corporation: *Provided,* The third subdivision of section four of an act to

provide for the assessment and collection of taxes, approved March eighth, eighteen hundred and forty-three, shall not apply to this corporation.

Sec. 7. The Legislature may at any time amend or repeal this act. *Repeal*

Sec. 8. This act shall take effect immediately.

Approved April 2, 1850.

[No. 309.]

AN ACT relative to the New Buffalo and Laporte Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioners named in an act entitled "an act to incorporate the New Buffalo and Laporte Plank Road Company," approved February thirteenth, eighteen hundred and forty-nine, be and they are hereby authorized, within two years after the passage of this act, to proceed and estimate the length of the road proposed in said act, and cause books to be opened for the subscription of stock in said company, according to the provisions of an act entitled "an act relative to plank roads," approved March 13, A. D. 1848, and the proceedings shall be as valid as if had within the six months contemplated by the provisions of the act last aforesaid. Time extended.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 310.]

AN ACT to amend act number 188, session laws of 1849, entitled an act to provide for laying out a State Road from Ohio, north to the village of Hudson, approved March 31.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section one of said act be amended by striking out the names of Franklin Goodell and E. R. Parmelee. Secs. 1 and 4 amended. That section four be amended by striking out all between the word "townships," in the third line, and the word "roads," in the fifth line,

and insert instead thereof the following: "to assess all the estate, real and personal, liable to taxation, within one mile of the line of said road, east or west, as the case may be; and the supervisor of the township of Hudson is also required to assess all the taxable property on section eighteen in said town, within eighty rods of the south line of said section; and the supervisor of the township of Wright in Hillsdale county, is also further authorized to assess the estate, real and personal, upon one tier of sections through the said township of Wright, in addition to and adjoining said mile." That section five be amended by striking out the whole of said section after the word "township," in the second line, and inserting in the stead thereof the following: "to the said commissioner, upon an order signed by him at any time after the same has been collected; and the said commissioner shall have power, and it shall be his duty, to lay out and expend the money upon the said road in such manner as he shall deem best for the construction of said road: *Provided*, That he shall expend ratably on that part of said road within the township of Pittsford, all the moneys received by him for taxes assessed upon property in the said township of Pittsford." That section seven be amended by striking out all between the word "cause," in the third line, and the word "and," in the seventh line, and the following inserted in the stead thereof: "the said commissioner shall be unable or neglect to act, the supervisors of the townships through which said road runs, or a majority of them, shall have authority to appoint some suitable person to fill such vacancy, the appointment of whom shall be filed in the town clerk's offices of the several townships through which said road runs." That section eight be amended by striking out the first line thereof, and insert instead thereof the following: "in case the said commissioner shall." Said act shall be amended by striking out the word "commissioners," wherever it occurs, and inserting instead thereof the word "commissioner;" and by striking out the words "two dollars," where they occur, and inserting instead thereof the words "one dollar." The said act shall be further amended by adding thereto, after section nine, two new sections, as follows:

Sec. 5
amended.

Sec. 7
amended.

Sec. 8
amended.

Oath of
commissioner.

"Sec. 10. The commissioner named in this act, or any other person appointed as commissioner on said road, shall take and subscribe the oath prescribed in article twelve of the constitution, and deposit the same with the town clerk of the township of Hudson.

"Sec. 11. The highway commissioners of any township shall not have authority to take up, alter or discontinue any portion of said ^{Highway} State road upon which the State shall have expended appropriations, ^{commis'rs.} without the consent of the commissioner appointed to superintend the laying-out such road and expending such appropriation."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1856.

[No. 311.]

AN ACT to incorporate the Hungarian Mining Company of Michigan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That William A. Pratt, Jno. W. Chase, Abner Sherman, Phillip Stevens, and others who shall be associated ^{Incorporation.} with them, are hereby constituted a body corporate, by the name of the Hungarian Mining Company of Michigan, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of Michigan: *Provided*, That nothing in this act con- ^{Proviso.} tained shall confer on said company any powers of banking or brokerage, exchange, dealing in money, purchasing any stock of any bank, or for any other purposes than herein particularly specified.

Sec. 2. The said company shall have corporate succession; its ^{Capital.} capital stock shall be two hundred thousand dollars, divided into ten thousand shares of twenty dollars each; and said company may ac- ^{Real estate.} quire and hold such real and personal estate as the business of said company may require, to an amount not exceeding the capital stock; but said company shall not hold more than six hundred and forty acres of land in legal sub-divisions in the upper peninsula; and shall hold no real estate in the lower peninsula, except a ware house, lot and office, and such as may be necessary for smelting purposes.

Sec. 3. The officers of said company shall be stockholders there- ^{Officers.} in, and shall consist of a president and board of six directors, of whom the president shall be one, a secretary and treasurer, who may at the pleasure of the company be one and the same person; and the said company may enact by-laws, not inconsistent with the laws ^{By laws.}

A. assessm'ts. of this State; to levy assessments on the shares of its stock; to forfeit and sell said shares for the non-payment of any such assessment; in such manner as said by-laws shall prescribe; to provide for the manner of electing officers, and for such other purposes as may be necessary to carry out the intent and meaning of this act: *Provided,*

First direc-tors. That until the first annual meeting of said company, after organization under this act, William A. Pratt, Jno. W. Chase, Abner Sherman, Phillip Stevens, and two such other persons as the company may see fit to appoint, shall be and continue, and they and their successors are expressly constituted directors of said company, one of whom shall be a citizen of Michigan, and shall have and exercise all the powers, and be subject to all duties and restrictions imposed on the directors to be chosen under this act.

State tax. Sec. 4. The said company shall pay to the Treasurer of the State of Michigan an annual tax of one per centum on the whole amount of capital actually paid in upon the capital stock of said company, upon all sums of money borrowed by said company; and any investment of any portion of the earnings of said company in their business shall be considered as so much capital paid in; which tax shall be paid in on the first Monday of January in each year, and shall be estimated upon the last preceding report of said company; and for that purpose the president and secretary of said company shall, on the first day of December, or within fifteen days thereafter, make, under their hands, a return to the State Treasurer, verified by their several oaths or affirmations, stating the number of acres and legal sub-divisions of all lands owned, and of all land in possession of said company; also the amount which has actually been paid in on the capital stock of said company; the investment of any portion of the earnings of said company in their business; the whole amount of money which at any time has been borrowed by said company, and the whole amount of the indebtedness of said company, exclusive of borrowed money; and said tax shall be in lieu of all State taxes upon the real and personal estate of said company. If any report or

Report. return made by the officers of this company, in pursuance of the provisions of this act, shall be false in any material representation, all the officers who shall have signed the same shall be jointly and sev-

Liability for false report.

erally liable for all the debts of said company contracted while they are stockholders or officers thereof.

Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section of this act, or any two of them, shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting. First meeting.

Sec. 6. Any inhabitant of the State of Michigan, not a stockholder of said company, shall have a lien upon the stock, appurtenances and entire property of said company for all claims and demands against said company to the amount of one hundred dollars or under, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company; and any person may enforce said lien by filing with any court in the county where said debt was contracted, having jurisdiction thereof, an affidavit showing to the satisfaction of such court that he has a claim under the provisions of this section; and such court may thereupon issue an attachment against the property of said company, and the same proceedings may be thereupon had as in other cases. Etc.

Sec. 7. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, of this State, so far as the same are not inconsistent with the provisions of this act. General provisions.

Sec. 8. The said company shall, within six months after their organization under the provisions of this act, locate their business office or offices, one of which shall be in this State, and file in the office of the Secretary of State of Michigan, a certificate specifying the place or places of such location. All annual and other meetings of said company shall be held at such place or places as the by-laws of the company, by its board of directors, may designate. Business office.

Sec. 9. Service of any legal process may be made on any one of the officers of said company; and said company shall at all times have an agent in the city of Detroit, upon whom service of all legal process may at any time be made, which shall be as valid as if made upon any of such officers. A certificate in writing of the appointment of such agent shall be filed in the office of the county clerk of the county of Wayne; and if no such agent shall be appointed, or if neither such agent nor any such officer shall be found in the coun- Service of legal process.

ty of Wayne, then service thereof may be made by posting up a copy of such process in some conspicuous place in said clerk's office.

Individually
liability.

Sec. 10. The stockholders of said company shall be severally individually liable to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by said company, until the amount of stock held as aforesaid shall have been paid in, and a return made to the State Treasurer as prescribed in section four of this act; and they shall [be] jointly and severally liable for all debts that may be due or owing to any and all their laborers, or any other person or persons in their employ, for services performed for such corporation; but shall not be liable to an action therefor before an execution shall be returned, unsatisfied in whole or in part against said company, and then the amount due on said execution shall be the amount recoverable, with cost and interest, against said stockholders. If the directors of said company, or their agents, contract debts for the company exceeding in the aggregate the amount of capital stock paid in, said directors shall be individually and personally liable for all debts of said company.

Dividends.

Sec. 11. If the directors of said company shall declare and pay any dividend when said company is insolvent, or which would render it insolvent, they shall be jointly and severally liable for all the debts of said company then existing, and for all debts thereafter contracted, so long as they shall respectively continue in office.

Payment of
capital stock
limited.

Sec. 12. This act shall cease, determine and be void if said company shall not pay in ten per cent. of their capital stock within two years after the passage of this act; and the amount of the capital stock of said company shall be limited to, and never thereafter exceed the amount paid in at the time the annual report of said company is made for the year eighteen hundred and sixty.

Repeal.

Sec. 13. This act shall take effect immediately, and shall continue in force thirty years; but may be amended or repealed at any time by the Legislature, if said company violate or fail to comply with any of the provisions of this act.

Approved April 2, 1850.

[No. 312.]

AN ACT for the relief the county of Chippewa.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Auditor General be empowered to remit to the county of Chippewa all State taxes which have been heretofore charged to said county, and now remain unpaid, in the following cases: First. All taxes which were assessed upon personal property, and were not collected by reason of the inability of the collecting officer to find any personal property out of which he could collect said taxes: Second. All such taxes which were assessed upon any incorporated companies, and which were not collected by reason of the specific taxes paid by such companies, in lieu of all other taxes. And upon satisfactory proof of either of the conditions above expressed, the Auditor General shall discharge and cancel so much of said tax as shall thus appear to have been uncollected for the reasons above set forth.

Auditor
General to
remit cer-
tain taxes.

Approved April 2, 1850

[No. 313.]

AN ACT to incorporate the Adventure Mining Company of Michigan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Levi Hanna, Francis P. Harrington, Edward Jennings, and others who shall be associated with them, are hereby constituted a body corporate, by the name of the Adventure Mining Company of Michigan, for the purpose of mining, smelting and manufacturing ores, minerals and metals, in the upper peninsula of Michigan: *Provided*, That nothing in this act contained shall confer on said company any powers of banking or brokerage, exchange, dealing in money, purchasing any stock of any bank, or for any other purposes than herein particularly specified.

Incorpore-
tion.

Proviso.

Sec. 2. The said company shall have corporate succession; its capital stock shall be two hundred thousand dollars, divided into ten thousand shares of twenty dollars each; and said company may acquire and hold such real and personal estate as the business of said

Real estate.

company may require, to an amount not exceeding the capital stock; but said company shall not hold more than six hundred and forty acres of land in legal sub-divisions in the upper peninsula, and shall hold no real estate in the lower peninsula, except a warehouse, lot and office, and such as may be necessary for smelting purposes.

Officers.

Sec. 3. The officers of said company shall be stockholders therein, and shall consist of a president, and board of six directors, of whom the president shall be one, a secretary and treasurer, who may, at the pleasure of the company, be one and the same person;

By-laws.

and the said company may enact by-laws, not inconsistent with the laws of this State, to levy assessments on the shares of its stock; to forfeit and sell said shares for non-payment of any such assessment, in such manner as said by-laws shall prescribe; to provide for the manner of electing officers, and for such other purposes as may be necessary to carry out the intent and meaning of this act: *Provided*,

1st directors

That until the first annual meeting of said company after organization under this act, Levi Hanna, Francis P. Harrington, Edward Jennings, and three such other persons as the company may see fit to appoint, shall be and continue, and they and their successors are expressly constituted directors of said company, one of whom shall be a citizen of Michigan, and shall have and exercise all the powers and be subject to all duties and restrictions imposed on the directors to be chosen under this act.

State tax.

Sec. 4. The said company shall pay to the Treasurer of the State of Michigan an annual tax of one per-centum on the whole amount of capital actually paid in upon the capital stock of said company, upon all sums of money borrowed by said company; and any investment of any portion of the earnings of said company in their business, shall be considered as so much capital paid in; which tax shall be paid on the first Monday in January in each year, and shall be estimated upon the last preceding report of said company; and for that purpose the president and secretary of said company shall, on the first day of December, or within fifteen days thereafter, make, under their hands, a return to the State Treasurer, verified by their several oaths or affirmations, stating the number of acres and legal sub-divisions of all lands owned, and of all lands in possession of said company; also the amount which has actually

**Report to
State Treas-
urer.**

been paid in on the capital stock of said company, the investment of any portion of the earnings of said company in their business, the whole amount of money which at any time has been borrowed by said company, and the whole amount of the indebtedness of said company, exclusive of borrowed money; and said tax shall be in lieu of all State taxes upon the real and personal estate of said company. If any report or return made by the officers of this company, in pursuance of the provisions of this act, shall be false in any material representation, all the officers who shall have signed the same, shall be jointly and severally liable for all the debts of said company, contracted while they are stockholders or officers thereof. Penalty for false report.

Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section of this act, or any two of them, shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting. 1st meeting.

Sec. 6. Any inhabitant of the State of Michigan, not a stockholder in said company, shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands against said company, to the amount of one hundred dollars or under, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company; and any person may enforce said lien by filing with any court in the county where said debt was contracted, having jurisdiction thereof, an affidavit showing to the satisfaction of such court that he has a claim under the provisions of this section; and such court may thereupon issue an attachment against the property of said company, and the same proceedings may be thereupon had as in other cases. Lien.

Sec. 7. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, of this State, so far as the same are not inconsistent with the provisions of this act. General provisions.

Sec. 8. The said company shall, within six months after their organization under the provisions of this act, locate their business office or offices, one of which shall be in this State, and file in the office of the Secretary of State of Michigan a certificate specifying the place or places of such location. All annual and other meetings of Business office.

said company shall be held at such place or places as the by-laws of the company, by its board of directors, may designate and direct.

Service of
process.

Sec. 9. Service of any legal process may be made on any one of the officers of said company; and said company shall at all times have an agent residing in the city of Detroit, upon whom service of all legal process may at any time be made, which shall be as valid as if made upon any of such officers. A certificate in writing of the appointment of such agent shall be filed in the office of the county clerk of the county of Wayne; and if no such agent shall be appointed, or if neither such agent nor any such officer shall be found in the county of Wayne, then service thereof may be made by posting up a copy of such process in some conspicuous place in said clerk's office.

Liability.

Sec. 10. The stockholders of said company shall be severally individually liable to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by said company, until the amount of stock held as aforesaid shall have been paid in, and a return made to the State Treasurer, as prescribed in section four of this act; and they shall be jointly and severally liable for all debts that may be due or owing to any and all their laborers, or any other person or persons in their employ, for services performed for such corporation, but shall not be liable to an action therefor before an execution shall be returned unsatisfied, in whole or in part, against said company; and then the amount due on said execution shall be the amount recoverable, with cost and interest, against said stockholders. If the directors of said company, or their agents, contract debts for the company exceeding in the aggregate the amount of capital stock paid in, said directors shall be individually liable for all debts of said company.

Dividends.

Sec. 11. If the directors of said company shall declare and pay any dividend when said company is insolvent, or which would render it insolvent, they shall be jointly and severally liable for all the debts of said company then existing, and for all debts thereafter contracted, so long as they shall respectively continue in office.

Time for
payment of
capital stock
limited.

Sec. 12. This act shall cease, determine and be void if said company shall not pay in ten per cent. of their capital stock within two years after the passage of this act; and the amount of the capital

stock of said company shall be limited to, and never thereafter exceed, the amount paid in at the time the annual report of said company is made for the year eighteen hundred and sixty.

Sec. 13. This act shall take effect immediately, and shall continue ^{Repeal.} in force for thirty years; but the Legislature may at any time alter, amend or repeal this act for any violation of any of the provisions thereof.

Approved April 2, 1860.

[No. 314.]

AN ACT to incorporate the St. Mary's Academy, at the village of Bertrand in Berrien County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Aglac Dela Cheptais, Mathurine Salon, Theresa Dussaulx, Prosperine Chanson, and their associates and successors in offices, be and are hereby constituted and declared to be a body corporate and politic by the name and style of the St. Mary's Academy; and by that name they shall have perpetual succession, with full power and authority to elect a president, professors, teachers and other officers and agents as they may deem proper for ^{Incorporation.} the benefit of said Academy; to form constitutions and by-laws for the good government of the institute; to contract and be contracted with; to acquire, hold, enjoy and transfer property, real or personal, in their corporate capacity; to make, have and use a common seal, and the same to alter at pleasure; to sue and be sued; to plead and be impleaded in any court of law or equity; to receive or accept of any grant, gift, donation, bequest or conveyance by any person, company or corporation, of any property, real or personal; and to hold and enjoy and dispose of the same as may be deemed by them the best for the interest of the institution; to make, ordain, establish and execute such rules and ordinances, not inconsistent with the constitution of the United States or this State, as they shall think proper for the welfare of said Academy, and to do all other acts in pursuance thereof, necessary for the promotion of the arts and sciences and the prosperity of said Academy: *Provided,* Said corporation shall not hold any real estate more than five years after they shall have become owners of the same, except such real estate as ^{General powers.} ^{Proviso}

Provide shall be necessary for the objects of the corporation: *And provided further*, That the amount of real and personal estate which said corporation may hold, shall not at any time exceed fifty thousand dollars: *Provided further*, That no deed or devise of lands made to said corporation by any person or persons during his or her last sickness shall be valid.

Public act. Sec. 2. This act is declared to be a public act, and the same shall be construed favorably for every beneficial purpose therein intended. *Repeal.* The Legislature may at any time alter, amend or repeal this act. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 315.]

AN ACT to incorporate the Mount Clemens and Lenox Plank Road Company.

Incorporation. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Edward C. Gallup, George C. Fletcher, Silas Leonard and John Herriman, be and they are hereby appointed commissioners, under the directors [direction] of a majority of whom subscriptions may be received to the capital stock of the Mount Clemens and Lenox Plank Road Company; and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Mount Clemens and Lenox Plank Road Company, with corporate succession.

Route. Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Mount Clemens in the county of Macomb, on the Fort Gratiot road, so called, nine miles, to or near Silas Leonard's, in the township of Lenox in said county of Macomb.

Capital. Sec. 3. The capital stock of said company shall be twelve thousand dollars, in four hundred and eighty shares of twenty-five dollars each.

Sec. 4. As soon as said company shall be duly organized, the board of directors thereof are hereby authorized to enter upon and take possession of so much of the Fort Gratiot road, (as not to include the centre of the same,) between the said village of Mount Clemens and the township of Lenox in the county of Macomb, and proceed to construct and maintain thereon a plank road: *Provided*, That during the construction of said plank road, the company shall in no wise prevent or improperly obstruct the usual travel thereon.

Sec. 5. This act shall be and remain in force for the term of sixty years from and after its passage; but the Legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided*, There be no violation of the charter of said company.

Sec. 6. Said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are made a part of this act.

Approved April 2, 1850.

[No. 316.]

AN ACT to incorporate the Iron City Mining Company of Michigan.

Section 1. *Be It enacted by the Senate and House of Representatives of the State of Michigan*, That George Breed, Louis Hutchinson, Waterman Palmer, Richard Edwards, Hugh D. King, Thomas Bakewell, Jno. A. Forsyth, I. K. Morehead, Simon Mendlebaum and Levi Hanna, and others who shall be associated with them, are hereby constituted a body corporate, by the name of the Iron City Mining Company of Michigan, for the purpose of mining, smelting and

Proviso. manufacturing ores, minerals and metals in the upper peninsula of Michigan: *Provided*, That nothing in this act contained shall confer on said company any powers of banking or brokerage, exchange, dealing in money, purchasing any stock of any bank, or for any other purposes than herein particularly specified.

Capital. Sec. 2. The said company shall have corporate succession; its capital stock shall be two hundred thousand dollars, divided into ten thousand shares of twenty dollars each; and said company may acquire and hold such real and personal estate as the business of said company may require, to an amount not exceeding the capital stock; but said company shall not hold more than six hundred and forty acres of land in legal sub-divisions in the upper peninsula, and shall hold no real estate in the lower peninsula, except a ware house, lot and office, and such as may be necessary for smelting purposes.

Real estate.

Officers. Sec. 3. The officers of said company shall be stockholders, and shall consist of a president and board of six directors, of whom the president shall be one, a secretary and treasurer, who may at the pleasure of the company be one and the same person; and the said company may enact by-laws, not inconsistent with the laws of this State, to levy assessments on the shares of its stock; to forfeit and sell said shares for non-payment of any such assessment, in such manner as said by-laws shall prescribe; to provide for the manner of electing officers, and for such other purposes as may be necessary to carry out the intent and meaning of this act: *Provided*, That until the first annual meeting of said company after organization under this act.

By-laws. George Breed, Louis Hutchinson, Richard Edwards, Hugh D. King, Thomas Bakewell and Jno. A. Forsyth, shall be and continue, and they and their successors are expressly constituted, directors of said company; one of whom shall be a citizen of Michigan, and shall have and exercise all the powers, and be subject to all duties and restrictions imposed on the directors to be chosen under this act.

Not directors.

State tax. Sec. 4. The said company shall pay to the treasurer of the State of Michigan an annual tax of one per centum on the whole amount of capital actually paid in upon the capital stock of said company, upon all sums of money borrowed by said company; and any investment of any portion of the earnings of said company in their business shall be considered as so much capital paid in; which tax shall

be paid on the first Monday of January in each year, and shall be estimated upon the last preceding report of said company; and for that purpose, the president and secretary of said company shall, on the first day of December, or within fifteen days thereafter, make, under their hands, a return to the State Treasurer, verified by their several oaths or affirmations, stating the number of acres and legal sub-division of all lands owned, and of all land in possession of said company; also the amount which has actually been paid in on the capital stock of said company; the investment of any portion of the earnings of said company in their business; the whole amount of money which at any time has been borrowed by said company, and the whole amount of the indebtedness of said company, exclusive of borrowed money; and said tax shall be in lieu of all State taxes upon the real and personal estate of said company. If any report or return, made by the officers of this company, in pursuance of the provisions of this act, shall be false in any material representation, all the officers who shall have signed the same shall be jointly and severally liable for all the debts of said company, contracted while they are stockholders or officers thereof.

Report to
State Treas-
urer.

Penalty for
false report.

Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section of this act, or any two of them, shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

1st meeting.

Sec. 6. Any inhabitant of the State of Michigan, not a stockholder of said company, shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands against said company to the amount of one hundred dollars or under, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company; and any person may enforce said lien by filing with any court in the county where said debt was contracted, having jurisdiction thereof, an affidavit showing to the satisfaction of such court that he has a claim under the provisions of this section; and such court may thereupon issue an attachment against the property of said company, and the same proceedings may be thereupon had as in other cases.

Lien.

Sec. 7. Said company shall be subject to the provisions of chapter

General provisions. fifty-five of the revised statutes of eighteen hundred and forty-six, of this State, so far as the same are not inconsistent with the provisions of this act.

Business of lce. Sec. 8. The said company shall, within six months after their organization under the provisions of this act, locate their business office or offices, one of which shall be in this State, and file in the office of the Secretary of State of Michigan, a certificate specifying the place or places of such location. All annual and other meetings of said company shall be held at such place or places as the by-laws of the company, by its board of directors, may designate and direct.

Service of process. Sec. 9. Service of any legal process may be made on any of the officers of said company; and said company shall at all times have an agent residing in the city of Detroit, upon whom service of all legal process may at any time be made, which shall be as valid as if made upon any of such officers. A certificate in writing of the appointment of such agent shall be filed in the office of the county clerk of the county of Wayne; and if no such agent shall be appointed, or if neither such agent or any such officer shall be found in the county of Wayne, then service thereof may be made by posting up a copy of such process in some conspicuous place in said clerk's office.

Liability. Sec. 10. The stockholders of said company shall be severally individually liable to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by said company, until the amount of stock held as aforesaid shall have been paid in, and a return made to the State Treasurer, as prescribed in section four of this act; and they shall be jointly and severally liable for all debts that may be due or owing to any and all their laborers, or any other person or persons in their employ, for services performed for such corporation; but shall not be liable to an action therefor before an execution shall be returned unsatisfied, in whole or in part, against said company, and then the amount due on said execution shall be the amount recoverable, with cost and interest, against said stockholders. If the directors of said company, or their agents, contract debts for the company, exceeding in the aggregate the amount of capital stock paid in, said directors shall be individually and personally liable for all debts of said company.

Sec. 11. If the directors of said company shall declare and pay ^{Dividends} any dividend when said company is insolvent, or which would render it insolvent, they shall be jointly and severally liable for all the debts of said company then existing, and for all debts thereafter contracted, so long as they shall respectively continue in office.

Sec. 12. This act shall cease, determine and be void if said company shall not pay in ten per cent. of their capital stock within two ^{Time for payment of capital stock limited.} years after the passage of this act, and the amount of the capital stock of said company shall be limited to and never thereafter exceed the amount paid at the time the annual report of said company is made for the year eighteen hundred and sixty.

Sec. 13. This act shall take effect immediately, and shall continue ^{Repeal} in force thirty years; but may be amended or repealed at any time by the Legislature, if said company fail to comply with, or if they violate any of the provisions of this act.

Approved April 2, 1850.

[No. 317.]

AN ACT to provide for the collection and payment of taxes assessed upon sold and part-paid for university and primary school lands.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the supervisor of every township in ^{whereof some' divided.} which there shall be assessed the interest of any purchaser of university or primary school lands, as personal property, shall on or before the first day of November in the year when the same was so assessed, transmit to the treasurer of his county a list of all such lands, containing a full description thereof, together with the name of the persons to whom respectively the same was so assessed.

Sec. 2. That the several county treasurers shall, at the same time ^{On, treasurers shall make return} and in the same manner they are now required to return to the office of the Auditor General lands delinquent for taxes in their respective counties, return to the State land office a statement of all University and primary school lands upon which, from returns made to them by the township treasurers, it appears the taxes assessed have not been paid and cannot be collected.

Com. Land
Office, his
duties.

Sec. 3. The Commissioner of the State Land Office shall provide suitable books and enter in the same the description of every parcel of land so returned to his office, and the taxes assessed on the same.

Forfeiture.

Sec. 4. The purchaser or purchasers of any parcel of the land so returned, or the person or persons claiming to have any interest in the same as the assignee or legal representative in any other capacity of such purchaser, shall, under pain of forfeiting his or their interest in such lands and in the certificate of sale thereof, within the time in which the annual interest is required to be paid on the purchase money of such lands, pay to the State treasurer the amount of taxes assessed upon any description of the lands so returned, with interest thereon from the first day of February following, the assessment of the same at the rate of fifteen per cent. a year, and in addition thereon on each description the sum of twenty-five cents to defray the expense of the collection of such taxes.

Ibid.

Sec. 5. Every parcel of land returned under the provisions of this act, upon which the taxes and the interest and charges aforesaid shall remain unpaid at the expiration of the time within which payment thereof is required to be made by the next preceding section, shall be deemed to have been forfeited to the State by the purchaser thereof, his assignee or other legal representative; and the lands so forfeited shall be subject to sale in the same manner that other forfeited and unsold university and primary school lands are.

Com. Land
Office; his
duties.

Sec. 6. The said commissioner shall, on or before the first day of May and November in each year, make out and furnish to the Auditor General a statement containing a description of the lands upon which the taxes have been paid, and the amount of taxes, interest and charges paid on such lands.

Aud. Gen'l;
his duty.

Sec. 7. The Auditor General shall credit to the proper counties the taxes so paid, with the rate of interest allowed on other delinquent taxes, and place the balance of moneys arising from such interest and charges to the credit of the general fund.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 318.]

AN ACT to incorporate the Carp River Iron Mining Company of Michigan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That James H. Mullett, John Griswold, Stephen R. Wood, and others who shall be associated with them, are hereby constituted a body corporate by the name of the Carp River Iron Mining Company of Michigan, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of Michigan: *Provided*, That nothing in this act contained shall confer on said company any powers of banking or brokerage, exchange, dealing in money, purchasing any stock of any bank, or for any other purpose than herein particularly specified. Incorporation.
Proviso.

Sec. 2. The said company shall have corporate succession; its capital stock shall be two hundred thousand dollars, divided into ten thousand shares of twenty dollars each; and said company may acquire and hold such real and personal estate as the business of said company may require, to an amount not exceeding the capital stock; but said company shall not hold more than six hundred and forty acres of land in legal sub-divisions in the upper peninsula, and shall hold no real estate in the lower peninsula, except a ware house, lot and office, and such as may be necessary for smelting purposes. Capital.
Real estate.

Sec. 3. The officers of said company shall be stockholders therein, and shall consist of a president and board of six directors, of whom the president shall be one, a secretary and treasurer, who may at the pleasure of the company be one and the same person; and the said company may enact by-laws, not inconsistent with the laws of this State, to levy assessments on the shares of its stock; to forfeit and sell said shares for non-payment of any such assessment, in such manner as said by-laws shall prescribe; to provide for the manner of electing officers, and for such other purposes as may be necessary to carry out the intent and meaning of this act: *Provided*, That until the first annual meeting of said company after organization under this act, James H. Mullett, John Griswold, Stephen R. Wood, and three such other persons as the company may see fit to appoint, shall be and continue, and they and their successors are expressly constituted, directors of said company; one of whom shall be a citizen of Officers.
By-laws.
1st directors

Michigan, and shall have and exercise all the powers, and be subject to all duties and restrictions imposed on the directors to be chosen under this act.

State tax.

Sec 4. The said company shall pay to the Treasurer of the State of Michigan an annual tax of one per centum on the whole amount of capital actually paid in upon the capital stock of said company, upon all sums of money borrowed by said company; and any investment of any portion of the earnings of said company in their business shall be considered as so much capital paid in; which tax shall be paid on the first Monday of January in each year, and shall be estimated upon the last preceding report of said company; and for that purpose the president and secretary of said company shall, on the first day of December, or within fifteen days thereafter, make, under their hands, a return to the State Treasurer, verified by their several oaths or affirmations, stating the number of acres and legal sub-division of all lands owned, and of all land in possession of said company; also the amount which has actually been paid in on the capital stock of said company; the investment of any portion of the earnings of said company in their business; the whole amount of money which at any time has been borrowed by said company; and the whole amount of the indebtedness of said company, exclusive of borrowed money; and said tax shall be in lieu of all state taxes upon the real and personal estate of said company. If any report or return made by the officers of this company in pursuance of the provisions of this act, shall be false in any material representation, all the officers who have signed the same shall be jointly and severally liable for all the debts of said company contracted while they are stockholders or officers thereof.

Report.

Penalty for false report.

1st meeting.

Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section of this act, or any two of them, shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Lien.

Sec 6. Any inhabitant of the State of Michigan, not a stockholder of said company, shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands against said company, to the amount of one hundred dollars or under, which shall take precedence of all other claims or demands,

judgments or decrees, liens or mortgages against said company; and any person may enforce said lien by filing with any court in the county where said debt was contracted, having jurisdiction thereof, an affidavit showing to the satisfaction of such court that he has a claim under the provisions of this section; and such court may thereupon issue an attachment against the property of said company, and the same proceedings may be thereupon had as in other cases.

Sec. 7. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, of this State, so far as the same are not inconsistent with the provisions of this act. General provisions.

Sec. 8. The said company shall, within six months after their organization under the provisions of this act, locate their business office or offices, one of which shall be in this State, and file in the office of the Secretary of State of Michigan, a certificate specifying the place or places of such location. All annual and other meetings of said company shall be held at such place or places as the by-laws of the company, by its board of directors, may designate and direct. Business office.

Sec. 9. Service of any legal process may be made on any one of the officers of said company; and said company shall at all times have an agent residing in the city of Detroit, upon whom service of all legal process may at any time be made, which shall be as valid as if made upon any of such officers. A certificate in writing of the appointment of such agent shall be filed in the office of the county clerk of the county of Wayne; and if no such agent shall be appointed, or if neither such agent nor any such officer shall be found in the county of Wayne, then service thereof may be made by posting up a copy of such process in some conspicuous place in said clerk's office. Service of process.

Sec. 10. The stockholders of said company shall be severally individually liable to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by said company, until the amount of stock held as aforesaid shall have been paid in, and a return made to the State Treasurer, as prescribed in section four of this act; and they shall be jointly and severally liable for all debts that may be due or owing to any and all their laborers, or Liability

any other person or persons in their employ, for services performed for such corporation, but shall not be liable to an action therefor before an execution shall be returned unsatisfied, in whole or in part, against said company; and then the amount due on said execution shall be the amount recoverable, with cost and interest, against said stockholders. If the directors of said company, or their agents, contract debts for the company exceeding in the aggregate the amount of capital stock paid in, said directors shall be individually and personally liable for all debts of said company.

Dividends.

Sec. 11. If the directors of said company shall declare and pay any dividend when said company is insolvent, they shall be jointly and severally liable for all the debts of said company then existing, and for all debts thereafter contracted, so long as they shall respectively continue in office.

Time for
payment of
capital stock
limited.

Sec. 12. This act shall cease, determine and be void, if said company shall not pay in ten percent. of their capital stock within two years after the passage of this act; and the amount of the capital stock of said company shall be limited to, and never thereafter exceed the amount paid in at the time the annual report of said company is made for the year eighteen hundred and sixty.

Repeal.

Sec. 13. This act shall take effect immediately, and shall continue in force thirty years; but may be amended or repealed at any time by the Legislature, if said company violate or fail to comply with any of the provisions of this act.

Approved April 2, 1850.

[No. 319.]

AN ACT amendatory to an act entitled an act to incorporate the Flint and Saginaw Navigation Company, approved May 15th, 1846.

Tolls.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the rates of tolls the Flint and Saginaw Navigation Company are by law entitled to receive, shall be as follows: On flour, salted beef and pork, butter and cheese, whiskey, beer and cider, per 1000 pounds per mile, eight mills; on salt per 1000 pounds per mile, five mills; on pot and pearl ashes, per

1000 pounds per mile, ten mills; timber, squared and round, if carried in boats, per 100 cubic feet, two mills per mile; timber, squared, if carried in rafts, per 100 cubic feet, three mills per mile; timber, round, if carried in rafts, per 1000 cubic feet per mile, five mills; sawed lumber, reduced to inch measure, if carried in boats, per 1000 feet per mile, five mills; sawed lumber, reduced to inch measure, if carried in rafts, per 1000 feet per mile, seven mills; staves and heading per 1000 pounds, if carried in boats, three mills per mile; staves and heading per 1000 pounds, if carried in rafts, three mills per mile; shingles per 1000, if carried in boats, one mill per mile; shingles per 1000, if carried in rafts, one and a quarter mills per mile; on all other articles not enumerated above, 1000 pounds, per mile, eight mills; on boats used chiefly for the transportation of persons, per mile, seven cents; on boats used chiefly for the transportation of property, per mile, three cents.

Sec. 2. This act shall take effect and be in force from and after its passage.

Sec. 3. The Legislature may at any time alter, amend or repeal this act.

Approved April 2, 1850.

[No. 320.]

AN ACT to require the payment of money, warrants, &c., in the hands of the late treasurer of the township of Mayfield, to the treasurer of the county of Lapeer, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Harvey Thomas, late treasurer of the late organized township of Mayfield, in the county of Lapeer, be and he is hereby required to pay (within thirty days of the passage of this act) to the treasurer of the county of Lapeer, all money, warrants or other evidences of debt, which remained in his hands as such treasurer at the time said township of Mayfield was attached to and became a part of the township of Lapeer.

Sec. 2. The treasurer of the county of Lapeer is hereby required, upon payment being made to him under the provisions of section one of this act, to give a receipt therefor, specifying the amount of money

ney, warrants, &c., respectively, and place the same to the credit of said township of Mayfield.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 321.]

AN ACT to amend an act entitled an act to incorporate the Detroit and Howell Plank Road Company, approved April 3, 1848.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section one of an act entitled "an act to incorporate the Detroit and Howell Plank Road Company," approved April 3, 1848, be and the same is hereby amended, by inserting after the word "from," in the eleventh line of said section, the following words: "the west line of Woodward Avenue in;" and also by inserting after the word "Oakland," in the seventeenth line of said section, the words, "*Provided*, No toll gate shall be placed within the limits of said city."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 322.]

AN ACT to incorporate the Homer and Union City Plank Road Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Thomas Mosely, Ansel Adams, John Burt, Hiram Smith, Thomas L. Acker and Ira Burley, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Homer and Union City Plank Road Company; and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Homer and Union City Plank Road Company, with corporate succession.

Route.

Sec. 2. Said company hereby created shall have the power to lay

out, establish and construct a plank road, and all necessary buildings and appurtenances, from the village of Homer in the county of Calhoun, to the village of Union City in the county of Branch, with the right of uniting said road at any other point with the plank road of any other company.

Sec. 3. The capital stock of said company shall be fifty thousand dollars, to be divided into two thousand five hundred shares of twenty dollars each; and said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are made a part of this act. Capital.
General provisions.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the Legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of law to which it is subject: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided*, There be no violation of the charter of said company. Duration of charter.
Repeal.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 2, 1880.

[No. 323.]

AN ACT to amend an act entitled "an act to amend chapter one hundred and six of title twenty-two of the Revised Statutes."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the substituted fifth section contained in section one of an act entitled "an act to amend chapter one hundred and six of title twenty-two of the revised statutes," approved March 10th, 1849, relative to judgments and executions, be and the same is hereby amended by adding to the end of said section, the Sec. 1 of act
No. 93 of '49
amended.

following: "Said notice shall be given by personal service upon the said party, if to be found in the county; and if he be absent from the county, or if he be a non-resident of the county, the officer authorized to grant the order applied for, shall also direct the manner in which the notice of such application shall be given."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 324.]

AN ACT to incorporate the Merchants' Mining Company of Michigan.

Incorporation. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Henry W. Clarke, Dudley Baldwin, Abner C. Brownell, James Geddes, and others who shall be associated with them, are hereby constituted a body corporate, by the name of the Merchants' Mining Company of Michigan, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of Michigan: *Provided,* That nothing in this act contained shall confer on said company any powers of banking or brokerage, dealing in money, purchasing any stock of any bank, or for any other purposes than herein particularly specified.

Capital. Sec. 2. The said company shall have corporate succession; its capital stock shall be five hundred thousand dollars, divided into ten thousand shares of fifty dollars each; and said company may acquire and hold such real and personal estate as the business of said company may require, to an amount not exceeding the capital stock; *Real estate.* but said company shall not hold more than six hundred and forty acres of land in legal sub-divisions in the upper peninsula, and shall hold no real estate in the lower peninsula, except a ware-house, lot and office, and such as may be necessary for smelting purposes.

Officers. Sec. 3. The officers of said company shall be stockholders therein, and shall consist of a president and board of six directors, of whom the president shall be one, a secretary and treasurer, who may at the pleasure of the company be one and the same person; and the

said company may enact by-laws, not inconsistent with the laws of ^{by laws} this State, to levy assessments on the shares of its stock; to forfeit and sell said shares for non-payment of any such assessment, in such manner as said by-laws shall prescribe; to provide for the manner of electing officers, and for such other purposes as may be necessary to carry out the intent and meaning of this act: *Provided*, That until the first annual meeting of said company, after organization under this act, Henry W. Clarke, Dudley Baldwin, Abner C. Brownell, ^{1st directors} James Geddes, and one such other person as the company may see fit to appoint, shall be and continue, and they and their successors are expressly constituted directors of said company, one of whom shall be a citizen of Michigan, and shall have and exercise all the powers, and be subject to all duties and restrictions imposed on the directors to be chosen under this act.

Sec. 4. The said company shall pay to the Treasurer of the State ^{State tax} of Michigan an annual tax of one per centum on the whole amount of capital actually paid in upon the capital stock of said company, upon all sums of money borrowed by said company; and any investment of any portion of the earnings of said company in their business shall be considered as so much capital paid in; which tax shall be paid on the first Monday of January in each year, and shall be estimated upon the last preceding report of said company; and for that purpose the president and secretary of said company shall, on the first day of December, or within fifteen days thereafter, make, under their hands, a return to the State Treasurer, verified by their several oaths or affirmations, stating the number of acres and legal subdivisions of all lands owned, and of all land in possession of said company; also the amount which has actually been paid in on the capital stock of said company, the investment of any portion of the earnings of said company in their business, the whole amount of money which at any time has been borrowed by said company, and the whole amount of the indebtedness of said company, exclusive of borrowed money; and said tax shall be in lieu of all State taxes upon the real and personal estate of said company. If any report or return made ^{Report} by the officers of this company, in pursuance of the provisions of this act, shall be false in any material representation, all the officers who shall have signed the same shall be jointly and severally liable ^{Penalty for false report}

for all the debts of said company contracted while they are stockholders or officers thereof.

1st meeting. Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section of this act, or any two of them, shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

lien. Sec. 6. Any inhabitant of the State of Michigan, not a stockholder of said company, shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands against said company to the amount of one hundred dollars or under, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company; and any person may enforce said lien by filing with any court in the county where said debt was contracted, having jurisdiction thereof, an affidavit showing to the satisfaction of such court that he has a claim under the provisions of this section; and such court may thereupon issue an attachment against the property of said company, and the same proceedings may be thereupon had as in other cases.

General provisions. Sec. 7. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, of this State, so far as the same are not inconsistent with the provisions of this act.

Business of co. Sec. 8. The said company shall, within six months after their organization under the provisions of this act, locate their business office or offices, one of which shall be in this State, and file in the office of the Secretary of State of Michigan, a certificate specifying the place or places of such location. All annual and other meetings of said company shall be held at such place or places as the by-laws of the company, by its board of directors, may designate and direct.

Service of process Sec. 9. Service of any legal process may be made on any one of the officers of said company; and said company shall at all times have an agent residing in the city of Detroit, upon whom service of all legal process may at any time be made, which shall be as valid as if made upon any of such officers. A certificate in writing of the appointment of such agent shall be filed in the office of the county clerk of the county of Wayne; and if no such agent shall be appointed, or if neither such agent nor any such officer shall be found

in the county of Wayne, then service thereof may be made by posting up a copy of such process in some conspicuous place in said clerk's office.

Sec. 10. The stockholders of said company shall be severally in- Liability.
dividually liable to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by said company, until the amount of stock held as aforesaid shall have been paid in and a return made to the State Treasurer, as prescribed in section four in this act; and they shall be jointly and severally liable for all debts that may be due or owing to any and all their laborers, or any other person or persons in their employ, for services performed for such corporation, but shall not be liable to an action therefor before an execution shall be returned unsatisfied, in whole or in part, against said company; and then the amount due on said execution shall be the amount recoverable, with cost and interest against said stockholders. If the directors of said company, or their agents, contract debts for the company, exceeding in the aggregate the amount of capital stock paid in, said directors shall be individually and personally liable for all debts of said company.

Sec. 11. If the directors of said company shall declare and pay Dividends.
any dividend when said company is insolvent, or which would render it insolvent, they shall be jointly and severally liable for all the debts of said company then existing, and for all other debts thereafter contracted, so long as they shall respectively continue in office.

Sec. 12. This act shall cease, determine and be void if said com-
pany shall not pay in ten per cent. of their capital stock within two Time for
payment of
capital stock
limited.
years after the passage of this act; and the amount of the capital stock of said company shall be limited to, and never thereafter exceed the amount paid in at the time the annual report of said company is made for the year eighteen hundred and sixty.

Sec. 13. This act shall take effect immediately, and shall continue Repeal.
in force thirty years; but the Legislature may at any time alter, amend or repeal this act, for any violation of any of the provisions thereof.

Approved April 2, 1860.

[No. 325.]

AN ACT to incorporate the Chesapeake Mining Company of Michigan.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Clement March, Joseph A. Trotter, John S. Niens, and others who shall be associated with them, are hereby constituted a body corporate, by the name of the Chesapeake Mining Company of Michigan, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of Michigan: *Provided*, That nothing in this act contained shall confer on said company any powers of banking or brokerage, exchange, dealing in money, purchasing any stock of any bank, or for any other purposes than herein particularly specified.

Proviso.

Capital.

Sec. 2. The said company shall have corporate succession; its capital stock shall be two hundred thousand dollars, divided into ten thousand shares of twenty dollars each; and said company may acquire and hold such real and personal estate as the business of said company may require, to an amount not exceeding the capital stock; but said company shall not hold more than six hundred and forty acres of land in legal sub-divisions in the upper peninsula, [and shall] hold no real estate in the lower peninsula, except a ware house, lot and office, and such lands, buildings and machinery as may be necessary for smelting purposes.

Real estate.

Officers.

Sec. 3. The officers of said company shall be stockholders therein, and shall consist of a president and board of six directors, of whom the president shall be one, a secretary and treasurer, who may at the pleasure of the company be one and the same person; and the said company may enact by-laws, not inconsistent with the laws of this State, to levy assessments on the shares of its stock; to forfeit and sell said shares for the non-payment of any such assessment, in such manner as said by-laws shall prescribe; to provide for the manner of electing officers, and for such purposes as may be necessary to carry out the intent and meaning of this act: *Provided*,

By-laws.

at directors

That until the first annual meeting of said company, after organization under this act, Clement March, Joseph H. Trotter, John S. Niens, and four such other persons as the company may see fit to appoint, shall be and continue, and they and their successors are ex-

pressly constituted directors of said company, one of whom shall be a citizen of Michigan, and shall have and exercise all the powers and be subject to all duties and restrictions imposed on the directors to be chosen under this act.

Sec. 4. The said company shall pay to the Treasurer of the State ^{State tax.} of Michigan an annual tax of one per centum on the whole amount of capital actually paid in upon the capital stock of said company, upon all sums of money borrowed by said company; and any investment of any portion of the earnings of said company in their business shall be considered as so much capital paid in; which tax shall be paid on the first Monday of January in each year, and shall be estimated upon the last preceding report of said company; and for that purpose the president and secretary of said company shall, on the first day of December, or within fifteen days thereafter, make, ^{Report.} under their hands, a return to the State Treasurer, verified by their several oaths or affirmations, stating the number of acres and legal sub-divisions of all lands owned, or in possession of said company; the amount which has actually been paid in on the capital stock of said company; the investment of any portion of the earnings of said company in their business; the whole amount of money which at any time has been borrowed by said company, and the whole amount of the indebtedness of said company, exclusive of borrowed money; and said tax shall be in lieu of all State taxes upon the real and personal estate of said company. If any report or return made by the officers of this company, in pursuance of the provisions of this act, shall be false in any material representation, all ^{Penalty for false report.} the officers who shall have signed the same shall be jointly and severally liable for all the debts of said company contracted while they are stockholders or officers thereof.

Sec. 5. The first meeting of said company shall be held at such ^{1st meeting.} time and place as the persons named in [the] first section of this act, or any two of them, shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Sec. 6. Any inhabitant of the State of Michigan, not a stockholder ^{Lien.} of said company, shall have a lien upon the stock, appurtenances and entire property of said company for all claims and demands

against said company to the amount of one hundred dollars or under, which shall take precedence of all other claims and demands, judgments or decrees, liens or mortgages against said company; and any person may enforce said lien by filing with any court having jurisdiction thereof, an affidavit showing to the satisfaction of said court that he has a claim under the provisions of this section; and such court may thereupon issue an attachment against the property of said company, and the same proceedings may be thereupon had as in other cases.

General provisions.

Sec. 7. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, of this State, so far as the same are not inconsistent with the provisions of this act.

Business of Sec.

Sec. 8. The said company shall, within six months after its organization under this act, locate their business office or offices, one of which shall be in this State, and file in the office of the Secretary of State of Michigan, a certificate specifying the place or places of such location. All annual and other meetings of said company shall be held at such place or places as the by-laws of the company, by its board of directors, may designate and direct.

Time for payment of capital stock limited.

Sec. 9. This act shall cease, determine and be void if said company shall not pay in ten per cent. of their capital stock within two years after the passage of this act.

Service of process.

Sec. 10. Service of any legal process may be made on any one of the officers of said company; and said company shall at all times have an agent residing in the city of Detroit, upon whom service of all legal process may at any time be made, which shall be as valid as if made upon any of such officers. A certificate in writing of the appointment of such agent shall be filed in the office of the county clerk of the county of Wayne; and if no such agent shall be appointed, nor if neither such agent nor any such officer shall be found in the county of Wayne, then service thereof may be made by posting up a copy of such process in some conspicuous place in said clerk's office.

Liability.

Sec. 11. The stockholders of said company shall be severally and individually liable to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by said company, until the amount of stock held as aforesaid shall have been paid in, and a return made to the State Treasurer as prescribed in section

four of this act; and they shall be jointly and severally liable for all debts that may be due or owing to all their laborers, or any other person or persons in their employ, for services performed for such corporation; but shall not be liable to an action therefor before an execution shall be returned unsatisfied in whole or in part against said company; and then the amount due on said execution shall be the amount recoverable, with cost and interest, against said stockholders. If the directors of said company, or their agents, contract debts for the company exceeding in the aggregate the amount of capital stock paid in, said directors shall be individually liable and personally liable for all debts of said company.

Sec. 12. If the directors of said company shall declare and pay Dividends, any dividend when said company is insolvent, or which would render it insolvent, they shall be jointly and severally liable for all the debts of said company then existing, and for all debts thereafter contracted, so long as they shall respectively continue in office.

Sec. 13. This act shall take effect and be in force from and after Repeal. its passage, and shall continue in force thirty years; but the Legislature may at any time alter, amend or repeal this act for any violation of the provisions thereof.

Approved April 2, 1850.

[No. 326.]

AN ACT to incorporate the Swamscot Mining Company of Michigan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Samuel Chamberlin, John F. Bray ^{Incorporation.} and Samuel E. Beach, and others who shall be associated with them, are hereby constituted a body corporate by the name of the Swamscot Mining Company of Michigan, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of Michigan: *Provided*, That nothing in this act contained shall confer on said company any powers of banking or brokerage, exchange, dealing in money, purchasing any stock of any bank, or for any other purposes than herein particularly specified. ^{Proviso.}

Sec. 2. The said company shall have corporate succession; its Capital

stock shall be two hundred thousand dollars, divided into shares of twenty dollars each; and said company may acquire and hold such real and personal estate as the business of said company may require, to an amount not exceeding its capital stock.

Officers. Sec. 3. The officers of said company shall consist of a president, a board of six directors, of whom the president shall be one, a secretary and treasurer, who may at the pleasure of the company be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company may by its by-laws prescribe: *Provided*, That one of the directors of said company shall at all times be a resident of the State of Michigan, upon whom service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said company.

State tax. Sec. 4. The company shall pay to the Treasurer of the State of Michigan an annual tax of one half per centum on the whole amount of capital actually paid in upon the capital stock of said company; the capital paid in to be reconed as follows, viz: 1. The amount paid the United States Government for mineral lands in the upper peninsula of the State of Michigan: 2. The amount of assessments that shall be levied and paid in after the purchase of mineral lands that they work: 3. All moneys borrowed by said company and remaining unpaid at the time of the annual report hereinafter mentioned; which tax shall be paid on the first Monday in July in each year, and shall be assessed upon the last preceding report of said company; and for that purpose the president and secretary thereof shall, on the first day of January in each year, or within fifteen days previous thereto, make, under their hands, a return to the State Treasurer, verified by their several oaths, stating the amounts that have actually been paid in on the capital stock of said company; said tax to be in lieu of all other State tax upon the real estate and personal property of said company: *Provided*, That nothing contained in this section shall be so construed as to release real estate and personal property from taxation for county and township purposes.

Report to State Treasurer. **1st meeting.** Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section of this act, or any two of them, shall appoint, by a notice to be published in one

or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Sec. 6. Any inhabitant of this State shall have a lien upon the stock, ^{Lien.} appurtenances and property of said company for all claims and demands against said company, arising upon contract expressed or implied, to the amount of one hundred dollars or under, originally contracted within this State, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company, except liens or mortgages against the property of said company given for the purchase money thereof; and any person may enforce said lien by filing in any court in the county where said debt was contracted, having jurisdiction thereof, an affidavit showing to the satisfaction of such court that he has a claim under the provisions of this section; and such court may thereupon issue an attachment against the property of said company, and the same proceedings may be thereupon had as in other cases.

Sec. 7. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable. ^{General provisions}

Sec. 8. The said company shall, within six months after its organization, by a vote of the board of directors, locate a business office for said company within the limits of the State of Michigan, and file in the office of the Secretary of State, a certificate specifying the place of such location; and all annual and other meetings of said company shall be held at such place as the by-laws of the company may designate or direct: *Provided*, That on or before the first day of January, eighteen hundred and fifty-three, such organization shall have been perfected, with an amount of capital equal to ten thousand dollars actually paid in, and in like manner certified to the Secretary of State, as is provided in section three and other sections of this act: *And further provided*, That any failure to comply with these provisions on or before the time specified, all the provisions of this act shall be null and void, and the charter of said company in all respects forfeited. ^{Business office.} ^{Proviso.}

Sec. 9. The said company shall have a corporate seal, and any instrument of conveyance or contract usually requiring a seal, given or entered into by said company, shall be signed by the president and ^{Seal.}

secretary, and shall be attested by its corporate seal; but no such conveyances or contracts shall be valid unless authorized by a regular meeting of the members of said company, or by its by-laws; and each share of the capital stock of said company shall in all cases entitle the owner thereof to one vote.

General powers. Sec. 10. The company shall have and possess all the powers necessary for carrying out the purposes of its organization, where the exercise of such powers would not be contrary to law: *Provided always,* That nothing in this act contained shall be construed to confer on said company any banking powers or banking privileges; and it shall not be lawful for said company to use its funds or any part thereof to any banking transaction, in brokerage or exchange, in dealing in money or bank notes, or for any other purposes than those specified in this act for the purpose of carrying out the legitimate objects of the organization of said company.

Duration of charter. Sec. 11. This act shall continue in force for thirty years from and after its passage; and the Legislature may at any time alter, amend or repeal this act after the limitation thereof, by a two-thirds vote; and whenever the said company shall terminate, whether by lapse of time or otherwise, its property shall be sold by or under the direction of its last board of directors, and the proceeds thereof, after all payments of debts, divided among the stockholders in proportion to the amount of stock held by them respectively; and the existence of said company, and the authority of its board of directors, is hereby declared to be continued for one year after the termination of said company, for the purposes declared in this section.

Approved April 2, 1850.

[No. 327.]

AN ACT authorizing the State Treasurer to subscribe for certain Telegraph Stock.

Treasurer authorized to subscribe

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the State Treasurer is hereby authorized, in his discretion, to subscribe, in behalf of the State, for an amount not exceeding ten shares of the stock of the Northern Michigan Telegraph Company, whose line of telegraph is to run from

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Detroit to Lansing and Grand Rapids: *Provided*, The said company *Proviso* will allow the amount of stock so subscribed, or the dividends upon the same, to be received in payment for telegraphing on the business of the State; upon the surrender of the stock to the company on the part of the State, or upon any dividend being declared thereon.

Sec. 2. The Treasurer is hereby authorized to pay for the shares ^{When to pay.} so subscribed, on the completion of the line from Detroit to Lansing and Grand Rapids, and receive the stock thereof.

Sec. 3. This act shall take effect immediately.

Approved April 2, 1850.

[No. 328.]

AN ACT to provide for repairing Senate Chamber and Hall of House of Representatives.

Section 1. *Be it enacted by the Senate and House of Representatives* ^{State Treasurer's duties.} *of the State of Michigan*, That the State Treasurer is hereby authorized and required, immediately after the adjournment of the present Legislature, to have the drapery of the Senate Chamber and Hall of the House of Representatives repaired and renewed, and the seats and cushions restuffed and repaired.

Sec. 2. That the board of State Auditors are hereby authorized ^{State Auditor's to audit claims.} and required to audit and allow such claims as may accrue for said repairs; and a sum is hereby appropriated for that purpose out of any moneys in the treasury not otherwise appropriated.

Approved April 2, 1850.

[No. 329.]

AN ACT for the relief of Thomas N. Bartlett.

Section 1. *Be it enacted by the Senate and House of Representatives* ^{Entitled to patent for certain lands.} *of the State of Michigan*, That Thomas N. Bartlett is hereby authorized, upon the payment of the sums due, together with the interest thereon, to the school fund, upon the purchase of the east half of the north-west quarter, and the south-west quarter of the north-east quarter of section sixteen, township four north of range five west,

Proviso.

to receive from the Commissioner of the Land Office, or the officer designated by law to perform the duties heretofore devolving upon the Commissioner of the Land Office, a new deed or patent for said land; and said Bartlett is hereby restored to all the rights in and to said premises forfeited by the non-payment of the sums now and heretofore due upon the purchase of said premises: *Provided*, That said Bartlett shall not be entitled to the benefit of the provisions of this act, unless payment in full for all arrearages of interest due upon the premises described shall be made within two years from the passage of this act: *Provided further*, That the above described land shall not have been located by any other person.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 330.]

AN ACT in relation to suits in chancery.

Causes
transferred.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all causes in relation to real estate which were pending in the court of chancery prior to the first day of March, 1847, and which are now undetermined, shall, on the application in writing of either party, filed with the clerk of the court in which such cause is now pending, be, within sixty days thereafter, transferred to the circuit court of the county in which such real estate is situated; and the circuit court to which said cause or causes shall be transferred, are hereby empowered to hear, try and determine the same. Notice of such application shall be given to the opposite party within ten days after such application shall have been made.

Clerk to
transmit
transcript.

Sec. 2. The clerk of the court in which such cause or causes are pending, on receiving the application mentioned in the preceding section, shall, within thirty days thereafter, transmit to the clerk of the circuit court of the proper county, a transcript of all the proceedings in said cause or causes, together with all the papers filed in the same, upon the payment of all costs and fees for such transcript.

Sec. 3. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Sec. 4. That section twenty-two of chapter ninety of the revised statutes of 1846, as now amended, be further amended by adding thereto the following words: "and where it is necessary to file a bill in chancery, either to compel the specific performance of a contract, quit title, or otherwise to affect real estate, and where such real estate may be situate in different counties, it shall be competent to file such bill in the equity side of the circuit court of any one of said counties in which a part of said real estate may be situate; and such court shall have complete jurisdiction in the premises as fully and effectually as if the whole of such estate were situate in the county in which suits may be commenced."

Sec. 22, chap
90, R. S.
amended.

Sec. 5. That there shall be appointed for the county of Wayne, two additional masters in chancery, according to the provisions of chapter ninety-six of the revised statutes of 1846.

Masters in
Chancery.

Sec. 6. This act shall take effect and be in force in thirty days from and after its passage.

Approved April 2, 1850.

[No. 331.]

AN ACT to authorize Philip Winegar, guardian of certain minors, to convey real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Philip Winegar, guardian of George Mosher, Edward Mosher, Sarah Jane Mosher, Paulina Mosher, minor heirs of Samuel Mosher, late of Cayuga county, in the State of New York, and an infant daughter of Mary Worwick, deceased, be and he is hereby authorized to and empowered to sell and convey the following described lands lying and being in the county of Hillsdale: being the south-west fraction of the west half of the south-east quarter of section number four, the north-east quarter of the south-east quarter of section number eight, the north fraction of the east fraction of the west half of the north-east quarter of section number nine, all in town five south of range number three west, containing one hundred and twenty acres, more or less; which conveyance shall vest in the purchaser or purchasers as good and valid a title in law and equity to the lands so conveyed as existed in the said

Authorized
to convey.

Proviso. rainers at the time of such conveyance: *Provided*, The judge of probate for said county of Hillsdale shall endorse his approval of such sale upon said deed.

Sec. 2. The said guardian shall, under the direction of the said judge of probate, invest the moneys received on such sale in such manner as shall be most for the interest of said minors.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 332.]

AN ACT to incorporate the Cape Mining Company of Michigan.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Edward M. Davis, James Smith, E. L. Moss, Wm. Pettit, D. D. Brockway, Joseph Paull, Francis N. Buck, and others who shall be associated with them, are hereby constituted a body corporate, by the name of the Cape Mining Company of Michigan, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of Michigan: *Provided*, That nothing in this act contained shall confer on said company any powers of banking or brokerage, exchange, dealing in money, purchasing [any stock] of any bank, or for any other purposes than herein particularly specified.

Proviso.

Capital.

Sec. 2. The said company shall have corporate succession; its capital stock shall be two hundred thousand dollars, divided into ten thousand shares of twenty dollars each; and said company may acquire and hold such real and personal estate as the business of said company may require, to an amount not exceeding the capital stock; but said company shall not hold more than six hundred and forty acres of land in legal sub-divisions in the upper peninsula, and shall hold no real estate in the lower peninsula, except a ware house, lot and office, and such as may be necessary for smelting purposes.

Real estate.

Officers.

Sec. 3. The officers of said company shall be stockholders therein, and shall consist of a president and board of seven directors, of whom the president shall be one, a secretary and treasurer, who may at the pleasure of the company be one and the same person; and the

said company may enact by-laws, not inconsistent with the laws of By laws, this State, to levy assessments on the shares of its stock, and forfeit and sell said shares for non-payment of any such assessments, in such manner as said by-laws shall prescribe; to provide for the manner of electing officers, and for such other purposes as may be necessary to carry out the intent and meaning of this act: *Provided*, That until the first annual meeting of said company, after organization under this act, Edward M. Davis, Francis N. Buck, James Smith, E. L. Moss, William Pettit, D. D. Brockway, Joseph Paull, shall be and continue, and they and their successors are expressly First directors. constituted directors of said company, one of whom shall be a citizen of Michigan, and shall have and exercise all the powers, and be subject to all duties and restrictions imposed on the directors to be chosen under this act.

Sec. 4. The said company shall pay to the Treasurer of the State of Michigan an annual tax of one per centum on the whole State tax, amount of capital actually paid in upon the capital stock of said company, upon all sums of money borrowed by said company; and any investment of any portion of the earnings of said company in their business shall be considered as so much capital paid in; which tax shall be paid on the first Monday of January in each year, and shall be estimated upon the last preceding report of said company; and for that purpose the president and secretary of said company shall, on the first day of December, or within fifteen days thereafter, make under their hands a return to the State Treasurer, verified by Report, their several oaths or affirmations, stating the number of acres and legal sub-divisions of all lands owned, and of all land in possession of said company; also the amount which has actually been paid in on the capital stock of said company, the investment of any portion of the earnings of said company in their business, the whole amount of money which at any time has been borrowed by said company, and the whole amount of the indebtedness of said company, exclusive of borrowed money; and said tax shall be in lieu of all State taxes upon the real and personal estate of said company. If any report or return made by the officers of this company, in pursuance of the provisions of this act, shall be false in any material representation, all the officers who shall have signed the same shall be jointly Liability for false report

and severally liable for all the debts of said company contracted while they are stockholders or officers thereof.

First meet- ing. Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section of this act, or any two of them, shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Lien. Sec. 6. Any inhabitant of the State of Michigan, not a stockholder of said company, shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands against said company to the amount of one hundred dollars or under, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company; and any person may enforce said lien by filing with any court in the county where said debt was contracted, having jurisdiction thereof, an affidavit showing to the satisfaction of such court that he has a claim under the provisions of this section; and such court may thereupon issue an attachment against the property of said company, and the same proceedings may be thereupon had as in other cases.

General provisions. Sec. 7. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, of this State, so far as the same are not inconsistent with the provisions of this act.

Business office. Sec. 8. The said company shall, within six months after their organization under the provisions of this act, locate their business office or offices, one of which shall be in this State, and file in the office of the Secretary of State of Michigan, a certificate specifying the place or places of such location. All annual and other meetings of said company shall be held at such place or places as the by-laws of the company, by its board of directors, may designate and direct.

Service of legal process. Sec. 9. Service of any legal process may be made on any one of the officers of said company; and said company shall at all times have an agent residing in the city of Detroit, upon whom service of all legal process may at any time be made, which shall be as valid as if made upon any of such officers. A certificate in writing of the appointment of such agent shall be filed in the office of the county clerk of the county of Wayne; and if no such agent shall be appoint-

ed, or if neither such agent nor any such officer shall be found in the county of Wayne, then service thereof may be made by posting up a copy of such process in some conspicuous place in said clerk's office.

Sec. 10. The stockholders of said company shall be severally ^{Individual liability.} individually liable to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by said company, until the amount of stock held as aforesaid shall have been paid in, and a return made to the State Treasurer as prescribed in section four of this act; and they shall be jointly and severally liable for all debts that may be due or owing to any and all their laborers, or any other person or persons in their employ, for services performed for such corporation; but shall not be liable to an action therefor before an execution shall be returned unsatisfied in whole or in part against said company, and then the amount due on said execution shall be the amount recoverable with cost and interest against said stockholders. If the directors of said company, or their agents, contract debts for the company exceeding in the aggregate the amount of capital stock paid in, said directors shall be individually and personally liable for all debts of said company.

Sec. 11. If the directors of said company shall declare and pay ^{Dividends.} any dividend when said company is insolvent, or which would render it insolvent, they shall be jointly and severally liable for all the debts of said company then existing, and for all debts thereafter contracted, so long as they shall respectively continue in office.

Sec. 12. This act shall cease, determine and be void if said com- ^{Payment of capital stock limited.} pany shall not pay in ten per cent of their capital stock within two years after the passage of this act; and the amount of the capital stock of said company shall be limited to and never thereafter exceed the amount paid in at the time the annual report of said company is made for the year eighteen hundred and sixty.

Sec. 13. This act shall take effect immediately, and shall continue ^{Repeal.} in force thirty years; but may be amended or repealed at any time by the legislature, if said company violate or fail to comply with any of the provisions of this act.

Approved April 2, 1860.

[No. 333.]

AN ACT to regulate and fix the prices to be paid for State Printing, and for other purposes.

Price fixed. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the accounts of the State Printer for work done under and by virtue of an act entitled "an act relative to State Printing," approved March 12, 1849, shall be audited and allowed at the rate of twenty-seven cents per one thousand ems, and twenty-seven cents per token for press work.

State Treasurer's duty. Sec. 2. The State Treasurer is hereby authorized to contract with the State Printer, or person doing the State binding, or any other person or persons, as may be most for the interest of the State, for pressing the sheets of the laws, journals and other public documents.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 334.]

AN ACT to amend chapter ninety-one, title twenty-one, of the revised statutes of 1846.

Chap. 91 of R. S. amended. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That chapter ninety-one, title twenty-one, of the revised statutes of eighteen hundred and forty-six, be amended by adding at the end of said chapter the following, as section forty-six: "Sec. 40. Each judge of probate may appoint a clerk, to be denominated the probate clerk, and may revoke such appointment at his pleasure; which appointment and revocation shall be filed in the probate office. The supreme court shall by general rules from time to time prescribe the powers and duties of such clerk: *Provided*, The salary of said clerk shall be paid by the judge of probate, and no additional costs or expenses shall be made either to the counties or estates of deceased persons in consequence of the appointment of such clerk."

Judge of Probate.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

LAWS OF MICHIGAN.

[No. 335.]

AN ACT to amend an act entitled an act to incorporate the Corunna and Saginaw Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time in which it was made necessary for the Corunna and Saginaw Plank Road Company, under and by virtue of the act of incorporation, approved April 3d, 1848, to commence the construction of their road, is hereby extended for two years from the passage of this act. And if the said company shall, within two years from the passage of this act, commence the construction of said road, and expend ten per cent. of the capital stock of such company, they shall be entitled to all the rights and privileges secured in the said act of incorporation, as fully as if they had commenced said road and made such expenditure within the time specified in said act of incorporation. Time extended.

Sec. 2. All acts amendatory to the act entitled an act relative to plank roads, approved March 13, 1848, are hereby made a part of this act. General provisions.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 336.]

AN ACT to amend an act entitled an act to authorize the Commissioner of the State Land Office to sell certain University Lands, approved February 9, 1849.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Commissioner of the Land Office, or the officer discharging the duties of the same, is hereby authorized to offer for sale any of the lands belonging to the university fund, near Toledo in the State of Ohio, not already sold, at not less than the minimum price named in the act to which this is amendatory, on the following terms of payment: twenty-five per cent. of the purchase money to be paid at the time of sale, and the balance in equal annual installments of fifteen per cent. of the purchase money, with interest payable annually on the whole amount remaining unpaid, until the whole sum is paid. Authorized to sell. Terms.

Purchasers
may obtain
new certifi-
cates.

Sec. 2. In cases where any of the said university lands have been already sold, the purchasers shall be entitled, upon making payment before the first day of May next of all the interest due, and an amount of principal which with that already paid will equal forty per cent. of the whole purchase money, to surrender their present certificates, and to receive new certificates providing for the payment of the balance of the purchase money in equal annual installments of fifteen per cent. of the whole amount of the original purchase money, with annual interest on the principal remaining unpaid as aforesaid.

Taxes

Sec. 3. All certificates issued as aforesaid shall require the purchaser to pay all taxes assessed subsequent to sale on the land purchased by him; and any neglect to pay such taxes shall work a forfeiture of all rights of the purchaser under the certificate. All of the provisions of the act to which this is amendatory shall apply to sales made hereunder, except so far as is inconsistent with this act.

Sec. 4. This act shall take effect from and after its passage.

Approved April 2, 1850.

[No. 337.]

AN ACT to amend an act entitled an act to grant to school districts and religious denominations of professing Christians, suitable grounds in the town of Michigan, owned by the State, whereon to erect houses for public worship and school houses.

Sec. 1 of
act No. 231
of '42 amen-
ded.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the first section of an act entitled "an act to grant to school districts and religious denominations of professing Christians, suitable grounds in the town of Michigan, owned by the State, whereon to erect houses for public worship and school houses," approved April 3d, 1848, be and the same is hereby amended by striking out at the conclusion of section one of said act, the words, "within one year from the passage of this act," and by inserting in place thereof the following words: "The first day of January, eighteen hundred and fifty-one:" *Provided*, That no deed shall be executed by the board of State Auditors, or a majority of them, as required in section two of the act to which this act is amendatory, to any denomination, of any lot so to be selected, until

Proviso.

the sum of five dollars shall be paid in to the State treasury for the benefit of the primary school fund for every lot so selected.

Sec. 2. That said act be and the same is hereby further amended by striking out the words "town of Michigan," wherever said words occur in said act, and inserting in lieu thereof the words "town or village of Lansing."

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 338.]

AN ACT to incorporate the Aztec Mining Company of Michigan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Luther W. Clarke, James Yan- ^{Incorporation.} dees, Augustus Coburn, William H. Stevens, Josiah Chandler, and others who shall be associated with them, are hereby constituted a body corporate, by the name of the Aztec Mining Company of Michigan, for the purpose of mining, smelting and manufacturing ores, minerals and metals, in the upper peninsula of Michigan: *Provided,* That nothing in this act contained shall ^{Proviso.} confer on said company any powers of banking or brokerage, exchange, dealing in money, purchasing any stock of any bank, or for any other purposes than herein particularly specified.

Sec. 2. The said company shall have corporate succession; its cap- ^{Capital.} ital stock shall be two hundred thousand dollars, divided into ten thousand shares of twenty dollars each; and said company may acquire and hold such real and personal estate as the business of said company may require, to an amount not exceeding the capital stock; but said company shall not hold more than six hundred and forty acres of land in legal sub-divisions in the upper peninsula, ^{Real estate.} and shall hold no real estate in the lower peninsula, except a warehouse, lot and office, and such as may be necessary for smelting purposes.

Sec. 3. The officers of said company shall be stockholders therein, ^{Officers.} and shall consist of a president, and board of six directors, of

By-laws.

Assessments.

First directors

State tax.

Report.

Liability for false report.

whom the president shall be one, a secretary and treasurer, who may at the pleasure of the company be one and the same person; and the said company may enact by-laws, not inconsistent with the laws of this State, to levy assessments on the shares of its stock; to forfeit and sell said shares for non-payment of any such assessment, in such manner as said by-laws shall prescribe; to provide for the manner of electing officers, and for such other purposes as may be necessary to carry out the intent and meaning of this act: *Provided*, That until the first annual meeting of said company after organization under this act, Luther W. Clarke, James Yandees, Augustus Coburn, William H. Stevens, Josiah Chandler, and one such other person as the company may see fit to appoint, shall be and continue, and they and their successors are expressly constituted directors of said company, one of whom shall be a citizen of Michigan, and shall have and exercise all the powers and be subject to all duties and restrictions imposed on the directors to be chosen under this act.

Sec. 4. The said company shall pay to the Treasurer of the State of Michigan an annual tax of one per centum on the whole amount of capital actually paid in upon the capital stock of said company, upon all sums of money borrowed by said company; and any investment of any portion of the earnings of said company in their business, shall be considered as so much capital paid in; which tax shall be paid on the first Monday of January of each year, and shall be estimated upon the last preceding report of said company; and for that purpose the president and secretary of said company shall, on the first day of December, or within fifteen days thereafter, make, under their hands, a return to the State Treasurer, verified by their several oaths or affirmations, stating the number of acres and legal sub-division of all lands owned, and of all land in possession of said company; also the amount which has actually been paid in on the capital stock of said company, the investment of any portion of the earnings of said company in their business, the whole amount of money which at any time has been borrowed by said company, and the whole amount of the indebtedness of said company, exclusive of borrowed money; and said tax shall be in lieu of all State taxes upon the real and personal estate of said company.

If any report or return made by the officers of this company, in pursuance of the provisions of this act, shall be false in any material

representation, all the officers who shall have signed the same, shall be jointly and severally liable for all the debts of said company, contracted while they are stockholders or officers thereof.

Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section of this act, or any two of them, shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting. ^{First meeting.}

Sec. 6. Any inhabitant of the State of Michigan, not a stockholder of said company, shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands against said company, to the amount of one hundred dollars or under, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company; and any person may enforce said lien by filing with any court in the county where said debt was contracted, having jurisdiction thereof, an affidavit showing to the satisfaction of such court that he has a claim under the provisions of this section; and such court may thereupon issue an attachment against the property of said company, and the same proceedings may be thereupon had as in other cases. ^{Lien.}

Sec. 7. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, of this State, so far as the same are not inconsistent with the provisions of this act. ^{General provisions.}

Sec. 8. The said company shall, within six months after their organization under the provisions of this act, locate their business office or offices, one of which shall be in this State, and file in the office of the Secretary of State of Michigan a certificate specifying the place or places of such location. All annual and other meetings of said company shall be held at such place or places as the by-laws of the company, by its board of directors, may designate and direct. ^{Provision of act.}

Sec. 9. Service of any legal process may be made on any one of the officers of said company; and said company shall at all times have an agent residing in the city of Detroit, upon whom service of all legal process may at any time be made, which shall be as valid as if made upon any of such officers. A certificate in writing of the appointment of such agent shall be filed in the office of the county clerk of the county of Wayne; and if no such agent ^{Service of process.}

LAWS OF MICHIGAN.

shall be appointed, or if neither such agent nor any such officer shall be found in the county of Wayne, then service thereof may be made by posting up a copy of such process in some conspicuous place in said clerk's office.

Individual
liability.

Sec. 10. The stockholders of said company shall be severally and individually liable to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by said company, until the amount of stock held as aforesaid shall have been paid in, and a return made to the State Treasurer, as prescribed in section four of this act; and they shall be jointly and severally liable for all debts that may be due or owing to any and all their laborers, or any other person or persons in their employ, for services performed for such corporation, but shall not be liable to an action therefor before an execution shall be returned unsatisfied, in whole or in part, against said company; and then the amount due on said execution shall be the amount recoverable, with cost and interest, against said stockholders. If the directors of said company, or their agents, contract debts for the company exceeding in the aggregate the amount of capital stock paid in, said directors shall be individually and personally liable for all debts of said company.

Dividends.

Sec. 11. If the directors of said company shall declare and pay any dividend when said company is insolvent, or which would render it insolvent, they shall be jointly and severally liable for all the debts of said company then existing, and for all debts thereafter contracted, so long as they shall respectively continue in office.

Time for
payment of
capital lim-
ited.

Sec. 12. This act shall cease, determine and be void if said company shall not pay in ten per cent. of their capital stock within two years after the passage of this act; and the amount of the capital stock of said company shall be limited to, and never thereafter exceed, the amount paid in at the time the annual report of said company is made for the year eighteen hundred and sixty.

Repeal.

Sec. 13. This act shall take effect immediately, and shall continue in force thirty years; but may be amended or repealed at any time by the Legislature, if said company violate or fail to comply with any of the provisions of this act.

Approved April 2, 1850.

[No. 339.]

AN ACT to incorporate the Cass River Navigation Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That such persons as may hereafter become stockholders therein, shall be and they are hereby declared to be a body corporate and politic under the name and style of the Cass River Navigation Company; and as such corporation they are hereby declared capable of suing and being sued, answering and being answered unto, impleading and being impleaded, defending and being defended, in all courts and places whatsoever; and in all manner of actions, suits, complaints, matters and causes whatsoever, and are hereby made capable in law to purchase, possess and enjoy all such lands, tenements and hereditaments that are necessary to construct a canal or slack water navigation on Cass river or along the valley thereof, from the junction of said river with the Saginaw river, in the county of Saginaw, to the east line of Tuscola county, and to use, lease, rent, or dispose of in any manner they choose, the water power created by said canal or slack water navigation: *Provided,* That said company shall not take the water power of any person.

Sec. 2. Said company shall be compelled at any time to allow the passage of any boat or water craft navigating said river through said canal, locks, or slack water navigation, upon demand of any person, on payment of such toll or duty as the Legislature of this State may require.

Sec. 3. That Paschal Richardson, Lovia Hart, Townsend North, Orrin A. Gibbs, Loren C. Miles and James Fraser, shall be the first directors of said company, and are authorized to elect one of their number president, and to conduct all the operations of said company until the first Monday in January next, on which day a meeting of the stockholders of said company shall be called by the president thereof at such place as the directors shall designate; and at such meeting five directors shall be chosen by the stockholders in such manner as shall be prescribed by the by-laws and regulations of said company.

Sec. 4. The amount of capital stock shall be fixed and limited by the corporation in the manner prescribed by the by-laws, not exceeding one hundred thousand dollars, and shall be divided into shares

of twenty-five dollars each, and a record thereof shall be made by the treasurer, and shall be considered personal property, and be transferrable under the by-laws and regulations of said company.

By laws.

Sec. 5. That the stockholders of said company shall have power to enact such by-laws and regulations (not inconsistent with the constitution and laws of this State) as they may deem just and proper for the government of said company; and such by-laws and regulations shall be binding upon all the members and agents of said company.

Sec. 6. The Legislature may at any time alter, amend or repeal this act by a two-thirds vote of each house.

Approved April 2, 1850.

[No. 340.]

AN ACT authorizing the State Treasurer to refund certain moneys to the treasurers of the counties of Houghton, Schoolcraft, Marquette and Ontonagon.

State Treasurer to refund.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the State Treasurer be and he is hereby authorized to refund and pay over unto the treasurer of the county of Houghton one-half of all moneys collected in the counties of Houghton, Schoolcraft, Marquette and Ontonagon, in pursuance and by virtue of any act of incorporation creating any mining company in any and each of said counties.

Co. Treasurer's duties.

Sec. 2. The treasurer of the counties of Houghton, Schoolcraft, Marquette and Ontonagon, on the receipt of the said one-half per cent., shall pay the same over to the several township treasurers, within which any of the said mining companies are at work; and which said moneys when so paid over shall be used for county, township and highway purposes, and in pursuance of the revised statutes of 1846, regulating the expenditure of the same.

Aud. Gen'l's duties.

Sec. 3. The Auditor General of the State is hereby authorized to collect from any of the said mining companies now incorporated or to be hereafter incorporated, yearly, the one per cent. of which said tax when so collected shall be in full and in lieu of all taxes to be paid to the State, and one-half of the same shall, within ninety days thereafter, be paid over to the treasurers of the counties herein named, for the purposes aforesaid: *Provided*, That the provisions of

Proposed

LAWS OF MICHIGAN.

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this act shall not be applicable to such taxes as are received from any mining company subject to taxation for county and town purposes.

Sec. 4. This act shall take effect from and after its passage.

Approved April 2, 1850.

[No. 341.]

AN ACT to incorporate the Ripley Mining Company of Michigan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That John Whitney, Calvin Ripley, Philo M. Everett, Charles Johnson, Charles Rude, Ebenezer Warner, Glenn Seymour, and others who shall be associated with them, are hereby constituted a body corporate, by the name of the Ripley Mining Company of Michigan, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of Michigan: *Provided*, That nothing in this act contained shall confer on said company any powers of banking or brokerage, exchange, dealing in money, purchasing any stock of any bank, or for any other purposes than herein particularly specified.

Incorporation.

Proviso.

Sec. 2. The said company shall have corporate succession; its capital stock shall be two hundred thousand dollars, divided into ten thousand shares of twenty dollars each; and said company may acquire and hold such real and personal estate as the business of said company may require, to an amount not exceeding the capital stock; but said company shall not hold more than six hundred and forty acres of land in legal sub-divisions in the upper peninsula; and shall hold no real estate in the lower peninsula, except a ware house, lot and office, and such as may be necessary for smelting purposes.

Capital.

Real estate.

Sec. 3. The officers of said company shall be stockholders therein, and shall consist of a president and board of seven directors, of whom the president shall be one, a secretary and treasurer, who may at the pleasure of the company be one and the same person; and the said company may enact by-laws, not inconsistent with the laws of this State, to levy assessments on the shares of its stock; to forfeit and sell said shares for non-payment of any such assessment, in such manner as

Officers and by-laws.

said by-laws shall prescribe; to provide for the manner of electing officers, and for such other purposes as may be necessary to carry out the intent and meaning of this act: *Provided*, That until the first annual meeting of said company after organization under this act, 1st directors Charles Rude, Ebenezer Warner, Glenn Seymour, John Whitney, Calvin Ripley, Philo M. Everett and Charles Johnson, shall be and continue, and they and their successors are expressly constituted, directors of said company; one of whom shall be a citizen of Michigan, and shall have and exercise all the powers and be subject to all duties and restrictions imposed on the directors to be chosen under this act.

State tax. Sec. 4. The said company shall pay to the treasurer of the State of Michigan an annual tax of one per centum on the whole amount of capital actually paid in, upon the capital stock of said company, upon all sums of money borrowed by said company; and any investment of any portion of the earnings of said company in their business shall be considered as so much capital paid in; which tax shall be paid on the first Monday of January in each year, and shall be estimated upon the last preceding report of said company; and for that purpose, the president and secretary of said company shall, on the first day of December, or within fifteen days thereafter, make Report. under their hands, a return to the State Treasurer, verified by their several oaths or affirmations, stating the number of acres and legal sub-divisions of all lands owned, and of all land in possession of said company; also the amount which has actually been paid in on the capital stock of said company; the investment of any portion of the earnings of said company in their business; the whole amount of money which at any time has been borrowed by said company, and the whole amount of the indebtedness of said company, exclusive of borrowed money; and said tax shall be in lieu of all State taxes upon the real and personal estate of said company. If any report or return made by the officers of this company, in pursuance of the provisions of this act, shall be false in any material representation, all Liability for false report. the officers who shall have signed the same shall be jointly and severally liable for all the debts of said company, contracted while they are stockholders or officers thereof.

Sec. 5. The first meeting of said company shall be held at such

time and place as the persons named in the first section of this act, or ^{First meet-}
any two of them, shall appoint, by a notice to be published in one or ^{ing.}
more newspapers in the city of Detroit, at least thirty days before
the time of such meeting.

Sec. 6. Any inhabitant of the State of Michigan, not a stockhold- ^{Lien.}
er of said company, shall have a lien upon the stock, appurtenances
and entire property of said company, for all claims and demands
against said company to the amount of one hundred dollars or un-
der, which shall take precedence of all other claims or demands,
judgments or decrees, liens or mortgages against said company; and
any person may enforce said lien by filing with any court in the coun-
ty where said debt was contracted, having jurisdiction thereof, an
affidavit showing to the satisfaction of such court that he has a claim
under the provisions of this section; and such court may thereupon
issue an attachment against the property of said company, and the
same proceedings may be thereupon had as in other cases.

Sec. 7. Said company shall be subject to the provisions of chapter ^{General}
fifty-five of the revised statutes of eighteen hundred and forty-six, of ^{provisions.}
this State, so far as the same are not inconsistent with the provisions
of this act.

Sec. 8. The said company shall, within six months after their or- ^{Business of-}
ganization under the provisions of this act, locate their business office ^{fice.}
or offices, one of which shall be in this State, and file in the office of
the Secretary of State of Michigan, a certificate specifying the place
or places of such location. All annual and other meetings of said
company shall be held at such place or places as the by-laws of the
company, by its board of directors, may designate and direct.

Sec. 9. Service of any legal process may be made on any one of the ^{Service of}
officers of said company; and said company shall at all times have ^{process}
an agent residing in the city of Detroit, upon whom service of all
legal process may at any time be made, which shall be as valid as if
made upon any of such officers. A certificate in writing of the
appointment of such agent shall be filed in the office of the county
clerk of the county of Wayne; and if no such agent shall be ap-
pointed, or if neither such agent nor any such officer shall be found in
the county of Wayne, then service thereof may be made by posting
up a copy of such process in some conspicuous place in said clerk's
office.

Liability.

Sec. 10. The stockholders of said company shall be severally individually liable to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by said company, until the amount of stock held as aforesaid shall have been paid in, and a return made to the State Treasurer, as prescribed in section four of this act; and they shall be jointly and severally liable for all debts that may be due or owing to any and all their laborers, or any other person or persons in their employ, for services performed for such corporation; but shall not be liable to an action therefor before an execution shall be returned unsatisfied, in whole or in part, against said company; and then the amount due on said execution shall be the amount recoverable, with cost and interest, against said stockholders. If the directors of said company, or their agents, contract debts for the company, exceeding in the aggregate the amount of capital stock paid in, said directors shall be individually and personally liable for all debts of said company.

Dividends

Sec. 11. If the directors of said company shall declare and pay any dividend when said company is insolvent, or which would render it insolvent, they shall be jointly and severally liable for all the debts of said company then existing, and for all debts thereafter contracted, so long as they shall respectively continue in office.

Time for
payment of
capital lim-
ited.

Sec. 12. This act shall cease, determine and be void if said company shall not pay in ten per cent. of their capital stock within two years after the passage of this act; and the amount of the capital stock of said company shall be limited to and never thereafter exceed the amount paid in at the time the annual report of said company is made for the year eighteen hundred and sixty.

Duration of
charter.

Sec. 13. This act shall take effect immediately, and shall continue in force thirty years; but may be amended or repealed at any time by the Legislature, if said company violate or fail to comply with any of the provisions of this act.

Approved April 2, 1850.

[No. 342.]

AN ACT to incorporate the Ridge Mining Company of Michigan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Edward Vale, Luther W. Clarke, William H. Stevens, Justice Sharpley, Simon Mandlebaum, and others who shall be associated with them, are hereby constituted a body corporate, by the name of the Ridge Mining Company of Michigan, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of Michigan: *Provided*, That nothing in this act contained shall confer on said company any powers of banking or brokerage, exchange, dealing in money, purchasing any stock of any bank, or for any other purposes than herein particularly specified.

Sec. 2. The said company shall have corporate succession; its capital stock shall be two hundred thousand dollars, divided into ten thousand shares of twenty dollars each; and said company may acquire and hold such real and personal estate as the business of said company may require, to an amount not exceeding the capital stock; but said company shall not hold more than six hundred and forty acres of land in legal sub-divisions in the upper peninsula, and shall hold no real estate in the lower peninsula, except a ware house, lot and office, and such as may be necessary for smelting purposes.

Sec. 3. The officers of said company shall be stockholders therein, and shall consist of a president and board of six directors, of whom the president shall be one, a secretary and treasurer, who may at the pleasure of the company be one and the same person; and the said company may enact by-laws, not inconsistent with the laws of this State, to levy assessments on the shares of its stock; to forfeit and sell said shares for non-payment of any such assessment, in such manner as said by-laws shall prescribe; to provide for the manner of electing officers, and for such other purposes as may be necessary to carry out the intent and meaning of this act: *Provided*, That until the first annual meeting of said company after organization under this act, Justice Sharpley, Simon Mandlebaum, Edward Vale, Luther W. Clarke, William H. Stevens, and one such other person as the company may see fit to appoint, shall be and continue, and they and their successors are expressly constituted, directors of said

company; one of whom shall be a citizen of Michigan, and shall have and exercise all the powers, and be subject to all duties and restrictions imposed on the directors to be chosen under this act.

State tax.

Sec. 4. The said company shall pay to the Treasurer of the State of Michigan an annual tax of one per centum on the whole amount of capital actually paid in upon the capital stock of said company, upon all sums of money borrowed by said company; and any investment of any portion of the earnings of said company in their business shall be considered as so much capital paid in; which tax shall be paid on the first Monday of January in each year, and shall be estimated upon the last preceding report of said company; and for that purpose the president and secretary of said company shall, on the first day of December, or within fifteen days thereafter, make, under their hands, a return to the State Treasurer, verified by their several oaths or affirmations, stating the number of acres and legal sub-division of all lands owned, and of all land in possession of said company; also the amount which has actually been paid in on the capital stock of said company; the investment of any portion of the earnings of said company in their business; the whole amount of money which at any time has been borrowed by said company, and the whole amount of the indebtedness of said company exclusive of borrowed money; and said tax shall be in lieu of all state taxes upon the real and personal estate of said company. If any report or return made by the officers of this company in pursuance of the provisions of this act, shall be false in a material representation, all the officers who shall have signed the same shall be jointly and severally liable for all the debts of said company contracted while they are stockholders or officers.

Report to
State Treas-
urer.

Penalty for
false report.

1st meeting.

Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section of this act, or any two of them, shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Lien.

Sec. 6. Any inhabitant of the State of Michigan, not a stockholder of said company, shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands against said company, to the amount of one hundred dollars or under, which shall take precedence of all other claims or demands.

judgments or decrees, liens or mortgages against said company; and any person may enforce said lien by filing with any court in the county where said debt was contracted, having jurisdiction thereof, an affidavit showing to the satisfaction of such court that he has a claim under the provisions of this section; and such court may thereupon issue an attachment against the property of said company, and the same proceedings may be thereupon had as in other cases.

Sec. 7. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, of this State, so far as the same are not inconsistent with the provisions of this act. General provisions.

Sec. 8. The said company shall, within six months after their organization under the provisions of this act, locate their business office or offices, one of which shall be in this State, and file in the office of the Secretary of State of Michigan, a certificate specifying the place or places of such location. All annual and other meetings of said company shall be held at such place or places as the by-laws of the company, by its board of directors, may designate and direct. Business office.

Sec. 9. Service of any legal process may be made on any one of the officers of said company; and said company shall at all times have an agent residing in the city of Detroit, upon whom service of all legal process may at any time be made, which shall be as valid as if made upon any of such officers. A certificate in writing of the appointment of such agent shall be filed in the office of the county clerk of the county of Wayne; and if no such agent shall be appointed, or if neither such agent nor any such officer shall be found in the county of Wayne, then service thereof may be made by posting up a copy of such process in some conspicuous place in said clerk's office. Service of process.

Sec. 10. The stockholders of said company shall be severally individually liable to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by said company, until the amount of stock held as aforesaid shall have been paid in and a return made to the State Treasurer, as prescribed in section four of this act; and they shall be jointly and severally liable for all debts that may be due or owing to any and all their laborers, or Liability.

any other person or persons in their employ, for services performed for such corporation, but shall not be liable to an action therefor before an execution shall be returned unsatisfied, in whole or in part, against said company; and then the amount due on said execution shall be the amount recoverable, with cost and interest, against said stockholders. If the directors of said company, or their agents, contract debts for the company exceeding in the aggregate the amount of capital stock paid in, said directors shall be individually and personally liable for all debts of said company.

Dividends. Sec. 11. If the directors of said company shall declare and pay any dividend when said company is insolvent, or which would render it insolvent, they shall be jointly and severally liable for all the debts of said company then existing, and for all debts thereafter contracted, so long as they shall respectively continue in office.

Time for payment of capital stock limited. Sec. 12. This act shall cease, determine and be void, if said company shall not pay in ten percent. of their capital stock within two years after the passage of this act; and the amount of the capital stock of said company shall be limited to, and never thereafter exceed the amount paid in at the time the annual report of said company is made for the year eighteen hundred and sixty.

Repeal. Sec. 13. This act shall take effect immediately, and shall continue in force thirty years; but may be amended or repealed at any time by the Legislature, of [if] said company violate or fail to comply with any of the provisions of this act.

Approved April 2, 1850.

[No. 343.]

AN ACT to incorporate the Peninsular Mining Company of Michigan.

Incorporation. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That Moses A. Hoppack, Samuel J. W. Barry, Charles A. Trowbridge, John Gilbert, Charles P. Woodruff, John C. Tucker, and others who shall be associated with them, are hereby constituted a body corporate, by the name of the Peninsular Mining Company of Michigan, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula*

of Michigan: *Provided*, That nothing in this act contained shall con- ^o *Provide*.
fer on said company any powers of banking or brokerage, exchange,
dealing in money, purchasing any stock of any bank, or for any
other purposes than herein particularly specified.

Sec. 2. The said company shall have corporate succession; its ^{Capital}
capital stock shall be two hundred thousand dollars, divided into
ten thousand shares of twenty dollars each; and said company
may acquire and hold such real and personal estate as the business
of said company may require, to an amount not exceeding the capi- ^{Real estate}
tal stock; but said company shall not hold more than six hundred
and forty acres of land in legal sub-divisions in the upper peninsula,
and shall hold no real estate in the lower peninsula, except a ware-
house, lot and office, and such as may be necessary for smelting pur-
poses.

Sec. 3. The officers of said company shall be stockholders therein, ^{Officers}
and shall consist of a president, and board of six directors, of whom
the president shall be one, a secretary and treasurer, who may at
the pleasure of the company be one and the same person; and the
said company may enact by-laws, not inconsistent with the laws of ^{By-laws}
this State, to levy assessments on the shares of its stock; to forfeit
and sell said shares for non-payment of any such assessment, in such
manner as said by-laws shall prescribe; to provide for the manner of
electing officers, and for such other purposes as may be necessary
to carry out the intent and meaning of this act: *Provided*, That until
the first annual meeting of said company after organization under
this act, Charles P. Woodruff, John C. Tucker, Moses A. Hoppock, ^{1st directors}
Samuel J. W. Barry, Charles A. Trowbridge, shall be and continue,
and they and their successors are expressly constituted, directors of
said company, one of whom shall be a citizen of Michigan, and
shall have and exercise all the powers, and be subject to all duties
and restrictions imposed on the directors to be chosen under this
act.

Sec. 4. The said company shall pay to the Treasurer of the State ^{State tax.}
of Michigan an annual tax of one per centum on the whole amount of
capital actually paid in upon the capital stock of said company, upon
all sums of money borrowed by said company; and any investment
of any portion of the earnings of said company in their business shall

Report to
State Treas-
urer.

Penalty for
false report.

1st meeting.

Lien.

be considered as so much capital paid in; which tax shall be paid on the first Monday of January in each year, and shall be estimated upon the last preceding report of said company; and for that purpose the president and secretary of said company shall, on the first day of December, or within fifteen days thereafter, make under their hands, a return to the State Treasurer, verified by their several oaths or affirmations, stating the number of acres and legal subdivisions of all land owned, and of all land in possession of said company; also the amount which has actually been paid in on the capital stock of said company; the investment of any portion of the earnings of said company in their business; the whole amount of money which at any time has been borrowed by said company, and the whole amount of the indebtedness of said company, exclusive of borrowed money; and said tax shall be in lieu of all State taxes upon the real and personal estate of said company. If any report or return made by the officers of this company in pursuance of the provisions of this act, shall be false in any material representation, all the officers who shall have signed the same shall be jointly and severally liable for all the debts of said company, contracted while they are stockholders or officers thereof.

Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section of this act, or any two of them, shall appoint, by a notice published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Sec. 6. Any inhabitant of the State of Michigan, not a stockholder of said company, shall have a lien upon the stock, appurtenances and entire property of said company for all claims and demands against said company to the amount of one hundred dollars or under, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company; and any person may enforce said lien by filing with any court in the county where said debt was contracted, having jurisdiction thereof, an affidavit showing to the satisfaction of such court that he has a claim under the provisions of this section, and such court may thereupon issue an attachment against the property of said company, and the same proceedings may be thereupon had as in other cases.

Sec. 7. Said company shall be subject to the provisions of chapter

fifty-five of the revised statutes of eighteen hundred and forty-six, of this State, so far as the same are not inconsistent with the provisions of this act. General provisions.

Sec. 8. The said company shall within six months after their organization under the provisions of this act, locate their business office or offices, one of which shall be in this State, and file in the office of the Secretary of State of Michigan, a certificate specifying the place or places of such location. All annual and other meetings of said company shall be held at such place or places as the by-laws of the company, by its board of directors, may designate and direct. Business office.

Sec. 9. Service of any legal process may be made on any one of the officers of said company; and said company shall at all times have an agent residing in the city of Detroit, upon whom service of all legal process may at any time be made, which shall be as valid as if made upon any of such officers. A certificate in writing of the appointment of such agent shall be filed in the office of the county clerk of the county of Wayne; and if no such agent shall be appointed, or if neither such agent nor any such officer shall be found in the county of Wayne, then service thereof may be made by posting up a copy of such process in some conspicuous place in said clerk's office. Service of process.

Sec. 10. The stockholders of said company shall be severally individually liable, to an amount equal to the amount of stock held by [them] respectively, for all debts and contracts made by said company, until the amount of stock held as aforesaid shall have been paid in, and a return made to the State Treasurer as prescribed in section four of this act; and they shall be jointly and severally liable for all debts that may be due or owing to any and all their laborers, or any other person or persons in their employ, for services performed for such corporation; but shall not be liable to an action therefor before an execution shall be returned unsatisfied in whole or in part against said company; and then the amount due on said execution shall be the amount recoverable with cost and interest against said stockholders. If the directors of said company, or their agents, contract debts for the company exceeding in the aggregate the amount of capital stock paid in, said directors shall be individually and personally liable for all debts of said company. Liability.

Sec. 11. If the directors of said company shall declare and pay dividends.

any dividend when said company is insolvent, or which would render it insolvent, they shall be jointly and severally liable for all the debts of said company then existing, and for all debts thereafter contracted, so long as they shall respectively continue in office.

Time for
payment of
capital stock
limited.

Sec. 12. This act shall cease, determine and be void if said company shall not pay in ten per cent. of their capital stock within two years after the passage of this act; and the amount of the capital stock of said company shall be limited to, and never thereafter exceed the amount paid in at the time the annual report of said company is made for the year eighteen hundred and sixty.

Repealed.

Sec. 13. This act shall take effect immediately, and shall continue in force thirty years; but may be amended or repealed at any time by the Legislature, if said company violate or fail to comply with any of the provisions of this act.

Approved April 2, 1850

[No. 344.]

AN ACT to provide for the laying out of a certain State Road.

Comm'n'rs.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Alexander Dean, John H. Jacobs, Jonathan E. Nash, be and they are hereby authorized and appointed commissioners to lay out and establish a State road, commencing on section twenty-one in town nine north, range ten west, in the township of Cortland in the county of Kent, and thence west on the most eligible route to the east line of the county of Ottawa.

Survey

Sec. 2. The commissioners named in this act shall file the survey of the above-mentioned road in the office of the township clerk of each township through which said road shall pass, as shall be laid out in [said] townships.

State not
liable.

Sec. 3. That the State shall not be chargeable for laying out and establishing said road, nor for any expenses whatever connected therewith; and this act shall be void if said road shall not be laid out and established within three years from and after the passage of this act.

Highway
commissioners
to open
road.

Sec. 4. It shall be the duty of the highway commissioners of the several townships through which said road may pass, to cause the same to be opened agreeably to the actual survey, as ordered and estab-

lished by the commissioners named in this act, in the same manner as is provided by law for the opening of other highways in the several townships in this State.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 345.]

AN ACT making appropriations to defray certain expenses authorized for the year eighteen hundred and fifty.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the following sums be and the same are hereby appropriated out of the general fund to defray certain expenses authorized for the year eighteen hundred and fifty: To A. S. Baggs, for stationery furnished officers of the House of Representatives, one hundred and eighty dollars and twelve cents; to George H. Perry, for stationery furnished House of Representatives, seventeen dollars and forty-six cents; to John Swegles, Jr., for cash paid for stationery, four dollars and thirty-six cents; to A. Rhodes, for two tumblers, twenty-five cents; repairing clock, twenty-five cents; to John C. Williams, for repairs made in House of Representatives, eight dollars and seven cents; to A. S. Baggs, for stationery furnished the Secretary of the Senate in eighteen hundred and forty-nine, for recording Senate journal, sixteen dollars; to A. S. Baggs, for stationery furnished Clerk of House in eighteen hundred and forty-eight and eighteen hundred and forty-nine, for recording journals of House, twenty dollars; to A. S. Baggs, for stationery furnished Senate in eighteen hundred and forty-seven, four dollars; to A. S. Baggs, for stationery furnished Adjutant General in eighteen hundred and forty-nine, thirty-two dollars and ninety-three cents; to Hillsdale Whig Standard, one dollar and fifty cents; to Hillsdale Gazette, two dollars and fifty cents; to reporter of House, for stationery, five dollars; to George W. Patterson, editor of Commercial Bulletin, for papers furnished members of House, fifty-one dollars and sixty cents; to A. H. Newbold, for locks furnished for House of Representatives, thirty-three dollars and seventy-five cents; to McBratney &

A. S. Baggs.
G. H. Perry
J. Swegles, Jr.
A. Rhodes.
J. C. Williams.
A. S. Baggs.
Proprietors of certain papers.
A. H. Newbold.

Proprietors of certain papers. Leggett, for papers furnished members, four dollars; to George Doty, for a clock for House, eight dollars and fifty cents; to James A. Bascom, for sundries furnished House, four dollars and forty-eight cents; to H. H. Smith, for sundries furnished House, sixteen dollars and forty-eight cents; to H. W. Holmes, for sundries furnished House, two dollars thirty-eight cents; to J. W. Yawger for putting on locks and knobs, thirty-six dollars and fifty cents; to R. W. Ingalls, for State Journal, daily journal of proceedings, circulars for Clerk of House, House and Senate divisions, one hundred and twenty-six dollars and eighty cents; to Mrs. Wiswell, for paste for House, five dollars; to Swegles & Coryell, for publishing Adjutant General's orders, eighteen hundred and forty-eight, two dollars; to Bagg & Harmon, for daily Free Press furnished members, one hundred and thirty-three dollars and fifty cents; to Aaron Guest, for Ypsilanti Chronicle, two dollars and fifty cents; to Daily Free Democrat, (Cleveland,) one dollar; to Goshen Democrat, one dollar; to Blair & Rives, for Washington Globe, one hundred and seventy-three dollars and fifty cents; to John Thomas, for sundries furnished State officers, four dollars and eighty-three cents; to B. F. Way & Co., for Detroit Tribune furnished members, fifty-three dollars and thirty cents; to A. A. Dorrance, publisher of American Citizen, four dollars; to Jackson Patriot, five dollars; to New York Evening Post, furnished in eighteen hundred and forty-eight, four dollars and sixty-seven cents; to St. Joseph Valley Register, fifty cents; to Saturday Evening Post, Philadelphia, one dollar; to New York Spirit of the Times, one dollar and twenty-five cents; to Michigan Expositor, seventy-five cents; to O. P. Burt, one dollar and seventy-five cents; to Western Chronicle, one dollar; to Coldwater Sentinel, one dollar and fifty cents; to Belvidere Journal, New Jersey, one dollar; to Marshall Expounder, one dollar and fifty cents; to Detroit Daily Advertiser, one hundred and thirty-three dollars and fifty cents; to Michigan Telegraph, one dollar; to Macomb Gazette, four dollars; to Coldwater Sentinel, one dollar and fifty cents; to St. Joseph Advertiser, one dollar; to Western Chronicle, St. Joseph county, one dollar and fifty cents; to Marshall Statesman, two dollars; to Democratic Review, New York, three dollars; to Pontiac Jacksonian, one dollar and fifty cents; to Messenger Bird, one dollar; to New

York Evening Post, one dollar; to Wisconsin Free Democrat, one dollar; to New York Observer, one dollar and twenty-five cents; to Monroe Democrat, one dollar and twenty-five cents; to Oakland Gazette, one dollar and fifty cents; to Western Citizen, Chicago, Illinois, two dollars and fifty cents; to National Era, fifty cents; to Cleveland True Democrat, fifty cents; to Marshall Statesman, fifty cents; to Buffalo Tri Weekly Republic, one dollar; to Albion Press, fifty cents; to Michigan Farmer, fifty cents; to Chicago Journal, two dollars; to the Monroe Commercial, sixty-three cents; to Weekly Times, Hartford, Connecticut, fifty cents; to St. Clair County Observer, two dollars and fifty cents; to Monroe Commercial, five dollars and four cents; to A. Smith Bagg, to binding and lettering two hundred and seventy-four manuals, one hundred and two dollars and seventy-five cents; to James W. Holmes, three dollars and eighty-eight cents; to Albion Press, fifty cents; to Marshall Statesman, fifty cents; to Washington Republic, fifty cents; to Peninsular Freeman, fifty cents; to Turner and Seymour, fifty cents; to Daily Pennsylvanian, one dollar and twenty-five cents; to Charleston Mercury, one dollar fifty cents; to New York Express, one dollar seventy-five cents; to James W. Holmes, three dollars and eighty-eight cents; to A. E. Burr, two dollars and fifty cents; to Patrick Kelley, fireman of the Senate, and to Charles Taylor, fireman of the House of Representatives, fifty cents each per day in addition to their compensation as now fixed by law; to National Intelligencer, six dollars; to Washtenaw Whig, two dollars and fifty cents; to Michigan Argus, two dollars and fifty cents; to New York Express, one dollar and seventy-five cents; to L. Fasquel, for translating the message of the Executive into the French language and correcting proof, forty dollars; to Casper Butz, for printing the message of the Executive in the German language, folding and stitching, and correcting proof, fifty-five dollars and thirty-six cents; to Casper Butz, for printing the message of the Executive in the French language, folding and stitching the same, fifty-three dollars and ninety cents; to Bagg and Harmon, for publishing orders and furnishing blanks for the Adjutant-General, the sum of twenty-six dollars and forty cents; to Josiah Snow, for Tribune, eighteen dollars and fifty cents; and for Peninsular Freeman, eleven dollars; to J. F. Bray & Co., for advertising general order number 23, the sum of six dollars; to Warren

A. E. Bagg

J. W. Holmes

Proprietors
of certain
papers.

P. Kelly

C. Taylor

Proprietors
of certain
papers.

L. Fasquel

C. Butz

Bagg & Har-
mon.

J. Snow

J. F. Bray
& Co.

- W. Isham.** Isham, for furnishing the Michigan Farmer to members of the Legislature, the sum of twenty-five dollars; to Casper Butz, for translating the message of the Executive into the German language, the sum of forty dollars; to Oliver W. Moore, Secretary of the Senate, for compiling and preparing for publication, making indexes, and superintending the publication of the Senate journal and documents of the present Legislature, two hundred dollars, to be paid on the certificate of the Secretary of State that the work has been correctly done;
- D. P. Bushnell.** to Daniel P. Bushnell, Clerk of the House of Representatives, for compiling and preparing for publication, making indexes, and superintending the publication of the House journal and documents of the present session of the Legislature, two hundred dollars, to be paid on the certificate of the Secretary of State that the work has been correctly done; to the post master at Lansing, such sum as may be due him for postage of officers and members of the Senate and House of Representatives under joint resolution approved January 11th, 1850, to be paid by the State Treasurer on presentation of his account, duly verified by affidavit; to each member of the Senate and House of Representatives, the sum of five dollars, being for stationery furnished them; to J. W. Holmes, for stationery, five dollars and fifty-one cents; to Joseph T. Copeland, chairman of the committee on supplies of the Senate, for cash paid for sundry articles for the Senate, four dollars and sixty-eight cents; to Horace S. Roberts, as Secretary of the Senate pro tem., nine dollars; to the messengers of the Senate and House of Representatives, the sum of fifty cents per day, each, over and above the amount already appropriated; to Mrs. O. C. Wiswell, the sum of five dollars, for paste furnished the Senate; that there be appropriated for the contingent fund the sum not exceeding two thousand dollars, (out of which the Governor's private secretary, if retained, shall be paid,) payable to the order of the Governor; to A. S. Bagg, for stationery to Secretary of Senate, thirty-seven dollars and eighteen cents; to A. S. Bagg, for stationery furnished committee on supplies of the Senate, one hundred and forty-nine dollars and thirty-seven cents; to A. S. Bagg, for stationery furnished the Enrolling Clerk of the Senate, eleven dollars and seventy-eight cents; to George W. Perry, for stationery furnished committee on supplies of the Senate, the sum of eighteen dollars and ninety-three cents; to L. Post, for ash pail, one dollar and fifty cents;

to John C. Godley, for one shovel for the Senate, two dollars; to J. C. Godley
 Levi Hunt, for tables furnished Senate, seven dollars; to D. W. Levi Hunt.
 Buck, for repairing chairs, five dollars and seven'y-five cents; to D. W. Buck.
 James A. Bascom, for sundry articles furnished for Senate, three J. A. Bas-
 dollars and eighty-three cents; to O. W. Moore, for stationery O W Moore
 furnished the Senate, two dollars and eighty-eight cents; to
 Ezra Willis, for eight iron till locks, seven brass locks, fastening E. Willis.
 twenty-six locks on Senate tables, &c., seventeen dollars and thir-
 teen cents; to John C. Williams, to putting up stoves, in Senate, J. C. Wil-
 wire, &c., repairing three locks, and furnishing keys, ten dollars and liams.
 thirty-seven cents; to Peter Carey as fireman and for work done in P. Carey.
 office of Governor, library, land office, Secretary of State, two dollars
 per day, from December first, eighteen hundred and forty-nine, to
 April ninth, eighteen hundred and fifty; to assistant enrolling and
 engrossing clerks, such sums as may be due them, at the rate of
 three dollars per diem, to be certified by the chairman of the en-
 rolling and engrossing committees; to Edward Martin, late sheriff E. Martin.
 of Oakland county, eleven dollars, for services and expenses under
 the order of Gov. Greenly, in conveying prisoners to Detroit; that
 there be allowed to O. W. Moore, Secretary of the Senate, the sum O W Moore
 of six cents per folio, for making a fair copy of the journals of the
 Senate of the present session of the Legislature, to be paid on the cer-
 tificate of the Secretary of State (who shall certify the number of fo-
 lios) that the work has been correctly done and deposited in his office;
 that there be allowed D. P. Bushnell, Clerk of the House of Repre- D. P. Bush-
 sentatives, the sum of six cents per folio, for making a fair copy nell.
 of the journals of the House of Representatives of the present ses-
 sion of the Legislature, to be paid on the certificate of the Secretary
 of State (who shall certify the number of folios) that the work has
 been correctly done and deposited in his office; to Jonathan P. King, J. P. King.
 Elijah J. Roberts and J. D. Irvine, the Senator and Representatives R. J. Rob-
 from the counties of Mackinaw and Chippewa, the sum of sixty dol- ert.
 lars each, for expenses incurred before and after the session; to Rod- J. D. Irvine
 ney R. Gibson, deputy Secretary of State, the sum of one hundred R. R. Gib-
 dollars, for extra services; to R. Sapp, chaplain of the House of Rep- son.
 resentatives, and W. W. Atterbery, chaplain of the Senate, each the W. W. At-
 sum of one hundred and fifty dollars; to John J. Adam, the sum of J. J. Adam.

one hundred and seventy-five dollars, for extra services as Auditor General.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1850.

[No. 346.]

AN ACT making appropriations for the salaries of the State officers for the year eighteen hundred and fifty.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there be and hereby are appropriated out of any moneys in the treasury to the credit of the general fund, not otherwise appropriated, the following sums: For the salaries of the Governor and Associate Judges of the Supreme court, fifteen hundred dollars each; for the salary of the Chief Justice of the Supreme Court, sixteen hundred dollars; for the salaries of the Auditor General, State Treasurer and Commissioner of the State Land Office, one thousand dollars each; for the salary of the Secretary of State, eight hundred dollars; for the salary of the Attorney General, including his actual necessary expenses, eight hundred dollars; for the Superintendent of Public Instruction, the sum of eight hundred dollars; for the salary of the Adjutant General, three hundred dollars; for the salary of the Quarter-Master General, one hundred and fifty dollars; to Gen. John E. Schwarz, for three-fourths of a year salary as Quarter-Master General, omitted last year, one hundred and twelve dollars and fifty cents; for the salaries of the deputy State Treasurer and Deputy Auditor General, seven hundred dollars each; for the salaries of the two regular clerks of the Auditor General, six hundred dollars each; for the salary of the deputy Secretary of State, six hundred dollars; for the salary of the book-keeper of the State Land Office, five hundred dollars.

Sec. 2. The sum of five hundred dollars is hereby appropriated out of the general fund, and out of said appropriation the State Treasurer is hereby authorized and directed to pay to such clerk as the Commissioner of the State Land Office may employ in said

office, at a rate not exceeding five hundred dollars per year, to be paid on the certificate of said Commissioner.

Sec. 3. The sum of three hundred and fifty dollars is hereby appropriated from the general fund, and out of this last named appropriation, the State Treasurer is hereby authorized and directed to pay to the private Secretary of the Governor, the sum of three dollars per day during the session of the Legislature, and for eight days thereafter, to be paid on the certificate of the Governor.

Sec. 4. The sum of one hundred and twenty dollars be and the same is hereby appropriated from the general fund; and out of said appropriation the State Treasurer is hereby authorized and required to pay to Brigadier General B. M. Bolton and to Brigadier General H. Cowden, such amounts as shall be due to them respectively for expenses and services while engaged in the services of the State under the orders of the Adjutant General of the State. Said amounts to be paid upon the certificate of the Governor.

Sec. 5. This act shall take effect from and after its passage.

Approved April 2, 1850.

1. The first part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

2. The second part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

RESOLUTIONS.

[No. 1.]

JOINT RESOLUTION relative to Postage.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the post master at Lansing be and he is hereby authorized to charge to the State the postage on all mail matter received by members and officers of this Legislature, and on all documents and papers sent from this office by members and officers.

This joint resolution shall take effect from and after its passage.

Approved January 11, 1850.

[No. 2.]

JOINT RESOLUTION relative to documents.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Secretary of State be instructed to furnish members of the Legislature with the revised statutes and the documents, journals and session laws of the last session of the Legislature, and the session laws of each session since and including eighteen hundred and forty-six, so far as the same can be supplied without a reprint.

This joint resolution shall take effect from and after its passage.

Approved January 12, 1850.

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[No. 3.]

JOINT RESOLUTION relative to a donation of lands by the general government for the benefit of the State Normal School.

Resolved, by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be requested to use their efforts to procure the passage of a law granting to this State fifty thousand acres of land for the benefit of the State Normal School, to be used under the direction of the Board of Education.

Resolved, That the Governor be requested to transmit to our Senators and Representatives in Congress a copy of the foregoing resolution.

This joint resolution shall take effect and be in force from and after its passage.

Approved January 22, 1850.

[No. 4.]

JOINT RESOLUTION relative to printing a manual for the use of the present Legislature.

Resolved, by the Senate and House of Representatives of the State of Michigan, That a sufficient number of copies of the Legislative manual be ordered printed for the use of the Legislature, embracing the same kind of information as those in use during the last session, (except the constitution and census of this State,) and that an extra number be printed, sufficient for the supply of one copy for each member of the next Legislature, and that such extra copies be deposited in the Office of the Secretary of State.

This joint resolution shall take effect and be in force from and after its passage.

Approved February 5, 1850.

[No. 5.]

CONCURRENT RESOLUTION relative to publishing the annual report of the Michigan State Agricultural Society.

Resolved, by the Senate (the House of Representatives concurring,) That three thousand copies of the first annual report of the Michigan State Agricultural Society be printed in pamphlet form, stitched

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and covered like the annual report of the Superintendent of Public Instruction that are reserved for the State library; one hundred copies of which shall be for the use of the Senate; two hundred copies for the use of the House of Representatives; thirty copies for the use of the State officers; thirty copies for the State library; and the remaining copies for the use of said Agricultural Society; and shall be placed in the hands of the treasurer of said society when completed, subject to the order of the executive committee of said society.

This concurrent resolution shall take effect and be in force from and after its passage.

Approved February 5, 1850.

[No. 6.]

JOINT RESOLUTION relative to the claim of Diodate Hubbard against the Detroit and Saginaw road.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the superintendent of the Detroit and Saginaw road be and he is hereby authorized and required to pay Diodate Hubbard the sum of thirty-seven dollars and seventy-five cents, with interest from the tenth day of July, A. D. 1849, out of any money now in his hands belonging to said road, on presentation of a certificate from the treasurer of Wayne county, certifying that that sum is found his due on settlement of his claim against said road.

This joint resolution shall take effect and be in force from and after its passage.

Approved February 18, 1850.

[No. 7.]

JOINT RESOLUTION in regard to the admission of California into the Union.

Resolved, by the Senate and House of Representatives of the State of Michigan, That in the adoption of a constitution, the inhabitants of California have complied with all the requisites necessary to entitle them to admission into the Union as a State, upon an equal footing with the other States; and that by its adoption we have the best

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evidence, not only of their desire, but their ability to maintain a government republican in form; and that they are entitled to and should be immediately admitted into the Union, and that the limits and institutions, as defined in their constitution, should be guaranteed to them.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use all proper means to procure the admission of California, as mentioned in the foregoing resolution; and that the Governor of this State be requested to forward copies of these resolutions to our Senators and Representatives in Congress.

Approved February 23, 1850.

[No. 8.]

MEMORIAL to the Honorable the Senate and House of Representatives of the United States in Congress assembled.

The memorial of the Senate and House of Representatives of the State of Michigan, respectfully represents: That at an early day Congress passed an act granting certain donations of land to actual residents or inhabitants of the then territory of Michigan.

The population of Michigan at that time was generally comprised of French Canadians, who were unacquainted with our forms of government, and very generally strangers to our language; but, as time has proved, have made most excellent citizens. But at the time referred to, they, by common consent and for mutual safety against the Indian tribes inhabiting the peninsula, located their respective farms with narrow fronts—some three, others four, and some six arpents in front, by forty arpents in depth—and when the government of the United States caused these lands to be surveyed, the survey was made and the patents issued in accordance with the original location, with the exception of a district of country bordering on Lake St. Clair. In this district, the United States Surveyor, from some cause (which has never been explained to those inhabitants who made their locations on Lake St. Clair,) granted certificates of survey according to the original location; but when patents were issued for the land, it was found that the patent called for about one-third less than the certificate of location; that is to say, when the certificates called for three arpents in front and forty in depth, the patent issued for three

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acres in front and twenty-two in depth, making a difference of sixty-six acres. Therefore, your memorialists ask that Congress would cause this matter to be investigated by the Surveyor General for the district of Michigan, that justice may be awarded in the premises.

Your memorialists would further represent, that by an act of Congress, back concessions, as they are called, were granted to the inhabitants residing on the Detroit river. This was done in consideration of the narrow fronts of their farms; which concessions are equal in all cases to the number of acres in the original tract or farm. And inasmuch as no good reason can be assigned why this liberal donation of the government should not be extended to all whose farms are similarly situated, your memorialists respectfully ask that the provisions and benefits of said act may be extended accordingly.

Resolved, That the Governor be and he is hereby requested to forward a copy of this memorial, under the great seal of the State, to the President of the Senate and the Speaker of the House of Representatives of the United States of America in Congress assembled

Approved February 28, 1850.

[No. 9.]

JOINT RESOLUTION relative to the claim of James Parshall.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the board of State Auditors be and they are hereby authorized and required to examine and settle the claims of James Parshall against the State, for timber cut and taken away by agents of the State for the use of the Central Railroad, from lands belonging to said James Parshall, situated in the town of Ann Arbor, in the county of Washtenaw, upon the said James Parshall first giving a bond to abide the award of said board, and that their decision shall be final; and also upon the said James Parshall producing satisfactory evidence that he is legally or equitably entitled to the value of said timber so taken; and upon such evidence being produced, said board shall certify the amount so found to be justly due the said James Parshall, with interest from such time as they shall determine, to the Auditor General, who is hereby authorized and required to draw his

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warrant on the State Treasurer for the sum so found due; and the State Treasurer is hereby required to pay said warrant out of any money in the general fund not otherwise appropriated.

Resolved, That this joint resolution shall take effect and be in force from and after its passage.

Approved March 8, 1850.

[No. 10.]

JOINT RESOLUTION in relation to Land selected by the State for saline purposes.

Whereas, Twelve sections of land selected by the State for saline purposes, out of the seventy-two sections to which this State is entitled under the laws of Congress, were sold by the general government to sundry individuals prior to the passage of the law authorizing the saline selections; now, therefore,

Resolved, by the Senate and House of Representatives of the State of Michigan, That our Senators in Congress be instructed, and our Representatives requested, to use all honorable means to procure the passage of a law allowing the State to select other land in place of and of equal value to the said twelve sections so sold and disposed of by the general government; and that the Governor of this State be requested to forward copies of the foregoing resolution to our Senators and Representatives in Congress; and that this joint resolution shall take effect and be in force from and after its passage.

Approved March 20, 1850.

[No. 11.]

JOINT RESOLUTIONS relative to the distribution of the Session Laws, Journals and Documents of the Legislature for the year eighteen hundred and fifty.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the officers and members of the present Legislature be and they are hereby entitled each to one copy of the session laws, passed in the year 1850, also the journals and documents of the Legislature of said year; and the Secretary of State be and is here-

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by required to forward one copy of each to the several officers and members of this Legislature, by forwarding the same to the county clerks of the several counties of this State in which the officers or members reside, so soon as the same may be printed, bound and ready for delivery.

Resolved, That this resolution shall be in force from and after its passage.

Approved March 20, 1850.

[No. 12.]

JOINT RESOLUTION authorizing the board of State Auditors to examine and settle the claim of Thomas B. W. Stockton.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and they are hereby authorized to examine and settle the claim of Thomas B. W. Stockton for damages occasioned by the laying and construction of the Northern Railroad: *Provided*, The same Thomas B. W. Stockton shall first stipulate in writing that the finding and decision of the said Board of State Auditors shall be and remain a final adjustment of said matter between him and the State: *Provided further*, That the amount awarded by the Board of State Auditors, if any there be, shall not exceed the actual damage at the time of the laying out and constructing of said Northern Railroad, and shall have no reference to the present value of the land alleged to have been damaged.

Approved March 20, 1850.

[No. 13.]

JOINT RESOLUTIONS authorizing the board of State Auditors to examine and settle the claims of Heber Cowden.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the board of State Auditors be and they are hereby authorized and required to examine and settle the claim of Heber Cowden, for services performed as brigadier general under existing provisions of law, and by the direction of the adjutant general, and for the amount found to be justly due the said Heber Cowden,

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the Auditor General is hereby authorized and required to draw his warrant on the State Treasurer, for the sum so found due; and the State Treasurer is hereby required to pay said warrant out of any moneys in the general fund not otherwise appropriated.

Resolved, That these joint resolutions shall take effect immediately.

Approved March 23, 1850.

[No. 14.]

JOINT RESOLUTION authorizing the board of State Auditors to examine and settle the claim of A. Kaminsky.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the board of State Auditors be and they are hereby authorized to examine and settle the claim of A. Kaminsky for balances due him for printing the Governor's message in the German, Dutch and French languages for the years eighteen hundred and forty-eight and eighteen hundred and forty-nine; and for the amount found to be justly due the said A. Kaminsky, the Auditor General is hereby authorized and required to draw his warrant on the State Treasurer for the sum so found due, and the State Treasurer is hereby required to pay said warrant out of any moneys in the general fund not otherwise appropriated.

Resolved, That this joint resolution shall take effect and be in force from and after its passage.

Approved April 1, 1850.

[No. 15.]

JOINT RESOLUTION relative to furnishing certain Laws, Journals and Documents to the Michigan State Agricultural Society for the use of a Library.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the following laws and documents be and they are hereby donated to the Michigan State Agricultural Society, (if it can be done without reprint, or injury to the State library,) to aid said society in establishing an agricultural library, at such place and

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under such regulations as the executive committee thereof may prescribe, viz: one copy of the revised statutes of 1836 and 1846, one copy of the session laws, one copy of the joint documents and journals of the Senate and House of Representatives of each Legislature since and including the year 1839, and also one copy of the session laws and documents of the present Legislature, and of each successive Legislature; and the Secretary of State is hereby authorized and required to transmit to the recording secretary of said society the above named laws and documents as soon as practicable, who shall receive the same and place them in the library aforesaid.

This joint resolution shall take effect and be in force from and after its passage.

Approved April 1, 1850.

[No. 16.]

JOINT RESOLUTIONS for the relief of Andrew V. Booskirk and others.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office be and he is hereby authorized, upon the receipt from Andrew V. Booskirk of the county of Montgomery, in the State of Pennsylvania, of the interest due on a certificate of purchase (number two hundred and seventy-three) for the north-east fractional quarter of section number sixteen, in township number six south of range number nine east, containing eighty-seven and 20-100ths acres of land, together with the penalty prescribed by law, with interest on the sums unpaid, from the sixth day of October, A. D. 1848, to the time of payment, to issue a new certificate of said premises in the usual form to said Booskirk: *Provided,* The said penalty and all the interest then due be paid to said Commissioner on or before the first day of May, 1850; and that said land shall not previously have been sold or otherwise disposed of at the time of the passing of this resolution.

Resolved further, That the commissioner aforesaid be and he is hereby authorized, upon the receipt of Richard McGraw of the county of Oakland, in this State, of the interest due on a certificate of purchase, numbered one thousand and seventeen, for the north-

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east quarter of the north-east quarter of section sixteen, in township two south of range eight east, containing eighty acres, together with the penalty prescribed by law, with interest on the sums unpaid, from the fourteenth day of November, A. D. 1849, to the time of payment, to issue a new certificate of said premises to said Richard McGraw: *Provided*, The said penalty and all the interest, when due, be paid to said Commissioner on or before the first day of May, 1850; and that said lands have not been sold or otherwise disposed of at the time of the passage of this resolution.

Resolved further, That the Commissioner aforesaid be and he is hereby authorized, upon the receipt from Jonas N. Henry of the county of Kalamazoo, on the interest due on a certificate of purchase, numbered two thousand three hundred and eighty-five, for the south-east quarter of the south-east quarter of section sixteen, in township three south of range nine west, together with the penalty prescribed by law, with interest on the sums unpaid, from the first day of March, 1849, to the time of the payment, to issue a new certificate of said premises in the usual form to said Henry: *Provided*, The said penalty and all the interest then due be paid to said Commissioner on or before the first day of June, 1850; and that said lands shall not have been previously sold or otherwise disposed of at the time of the passing of this resolution.

These joint resolutions shall take effect and be in force from and after their passage.

Approved April 1, 1850.

[No. 17.]

PREAMBLE AND JOINT RESOLUTIONS relative to a grant of land to officers who served in the war with Mexico.

Whereas, In the opinion of this Legislature, the pay and commutations for rations of the officers of the army of the United States, under the rank of brigadier general, who served in the late war with Mexico, was not sufficient to defray their necessary expenses while in Mexico, and afford them a reasonable compensation for their services, though the same pay and commutation would be amply sufficient while the army was in the United States;

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Therefore, resolved, by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be requested to use all honorable means to procure the passage by Congress of a law making a donation of the public lands or of money to all the officers under the rank of brigadier general who served in the war with Mexico, equal in amount to double rations during the time of their extraordinary expenses.

Resolved, That the Governor be and he is hereby requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

Approved April 1, 1850.

[No. 18.]

JOINT RESOLUTION relative to a certain sum of money belonging to the State, alleged to have been stolen from the post office.

Whereas, The sum of one hundred and fifty-four dollars, received by the treasurer of Kalamazoo county for taxes on non-resident lands, in the month of August, 1849, and forwarded by said treasurer to the Auditor General on the fourth day of September, 1849, by mail, was stolen from the post office at Kalamazoo, or some other post office; therefore,

Resolved, by the Senate and House of Representatives of the State of Michigan, That the sum of one hundred and fifty-four dollars, with the interest thereon, shall be assumed by the State, and the said county of Kalamazoo shall in no wise be held responsible for the same: *Provided,* The said treasurer of Kalamazoo county shall give a good sufficient bond to the Auditor of this State, that in case of the recovery or finding of said sum of money, it shall be paid into the treasury of this State.

Approved April 2, 1850.

[No. 19.]

JOINT RESOLUTION in relation to State Convention.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the several county clerks be required to report to the Secretary of State on or before the first day of June next:

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1. The number of days on which the circuit and county courts, respectively, were in session in the respective counties during the year 1849, and the number of days the supreme court was in session in said year.

2. The amount of salaries voted in each county to the county judge; and if an appeal has been taken to an allowance of salary, the amount which was allowed upon appeal.

3. The number of days that sheriffs and constables have been in attendance (officially) in their respective circuit and county courts, and the number of days that the grand jury has been in session, and the number of jurors and witnesses on the part of the people that have attended the said courts in criminal cases, and the amount of pay to which such sheriffs, constables, jurors and witnesses were entitled for such attendance, all during the year 1849, and exhibiting the items in the several courts separately.

And that it shall be the duty of the Secretary of State to condense the information received from the county clerks and the clerks of the supreme court, and embody the same in his report to the Convention. Likewise the whole expenses of courts and officers in the year 1846.

And also, that the Governor be and he is hereby authorized, in his discretion, to retain his present private secretary, or appoint another in his stead, to hold said office until the adjournment of the said Convention.

4. The Secretary of State shall, immediately after the passage of this act, cause the same to be printed, and each county clerk to be furnished with a copy thereof.

This joint resolution shall take effect immediately.

Approved April 2, 1850.

[No. 20.]

JOINT RESOLUTION relative to a donation of land by the general government for establishing agricultural schools, and for other purposes.

Resolved, by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be requested to use all honorable means to procure of the United States a

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donation of three hundred and fifty thousand acres of land to this State for the purpose of establishing and maintaining agricultural schools therein, at such places and under such regulations as the Legislature thereof may prescribe; also to procure a donation of ten thousand acres of land to aid the Michigan State Agricultural Society in establishing and maintaining a central office and library for the use of said society, and also to use their best endeavors to procure the passage of a law to establish a bureau of agriculture, in the department of the interior or some other appropriate department at Washington, whose province shall be to superintend and promote the great interest of agricultural improvements in the nation.

Resolved, That the Governor of this State be requested to forward copies of this resolution to the President of the Senate and Speaker of the House of Representatives, and our Senators and Representatives in Congress.

Approved April 2, 1850.

[No. 21.]

JOINT RESOLUTION relative to the free navigation of the river St. Lawrence.

Resolved, by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be and they are hereby requested to use their efforts in securing the free and uninterrupted navigation of the river St. Lawrence.

Resolved, That the Executive be requested to transmit to each of our Senators and Representatives in Congress a copy of the foregoing resolution.

Approved April 2, 1850.

[No. 22.]

JOINT RESOLUTIONS relating to the Union.

Whereas, The people of this State are opposed to the extension of slavery, but believe that a crisis in our national affairs has arrived which demands an expression of their deep, devoted and unalterable attachment to the Union, and their fixed determination, in a spirit of

RESOLUTIONS.

mutual forbearance and moderation, to guard by all means against the dangers at present, in the opinion of many, threatening its integrity;

And whereas, They believe that our Senators in Congress ought to be left free to act as their judgment may dictate on all questions that may arise in any way affecting the stability and permanency of the Federal Compact; therefore,

Be it resolved, by the Senate and House of Representatives of the State of Michigan, That, in the opinion of this Legislature, the people of this State most heartily approve of the noble and patriotic stand taken in the Senate of the United States by those distinguished statesmen who, representing the various sections and different feelings of our common country, have united their efforts to preserve the Union "one and indivisible."

And be it further resolved, That, in the opinion of this Legislature, it is the duty of our Senators in Congress, and they are hereby requested, to retain their places in our national councils, which they have heretofore filled with such signal prudence and distinguished ability; and they are hereby left free to aid in voice and vote in any and every movement which their judgment may decide to be best calculated to promote the interests and glory of the whole nation, and the tranquility, integrity and permanency of the Union.

Resolved, That the Governor be requested to transmit certified copies of this preamble and these resolutions to the Vice President of the United States, and to each of our Senators in Congress.

Approved April 2, 1850.

[No. 23.]

JOINT RESOLUTION authorizing the Governor to procure a re-statement of the accounts between the United States and the State of Michigan.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Governor be and he is hereby authorized and empowered to make such arrangement, and with such person or persons as he may think best calculated to promote the interest of the State, for procuring a re-statement of the accounts between the United States and the State of Michigan, and to procure any balance

that may be found due to the State, to be placed to the credit of the State treasury: *Provided*, That the State of Michigan shall in no manner be liable for the services of such person or persons in procuring or making any re-statement of the accounts, or for any commissions on any balance that may be found due the State, beyond what may be fixed by the Governor, or for any expenses that may be incurred in the examination and re-statement of said accounts.

Approved April 2, 1850.

APPENDIX.

Annual Report of the State Treasurer.

STATE TREASURER'S OFFICE, }
Lansing, December 1, 1849. }

To the Legislature of the State of Michigan :

I transmit herewith statements showing the condition of the several funds for the fiscal year ending November 30, 1849.

The balance in the Treasury is \$55,957 47. During the past fiscal year every demand upon the "general fund" has been paid upon presentation, and all of the interest due on the adjusted portion of our State debt, with the exception of \$842 12, which has not been presented for payment, and the interest due on \$72,000 of our State bonds held by the general government. The five per cent. due us for lands sold within the State, and the advances made to volunteer regiment, say nothing of other claims due us from the general government, will more than counterbalance the interest due on these bonds. The interest due January 1st, next, on our State bonds, amounts to \$18,024 03, which will be paid at that time. There is also \$47,327 20 of principal of State bonds due January 1, 1850. From our collections into the Treasury during this month, I trust we shall be enabled to pay all of the demands made upon the general fund, with the exception of a small portion of the bonds due January 1st, next, and these during the next month. The difficulty at the present time, in not having the means to send forward to pay these bonds promptly at maturity, arises from the advances made to meet the interest due and past due on our State indebtedness during the last year. While a portion of the interest paid upon our State debt is raised by a tax levied and collected before it becomes due, a part of the interest, if paid

as it falls due, has to be met by an advance from the general fund before the tax can be levied under the present laws. This is a source of great embarrassment to the Treasury, and must increase under the present laws, as we are issuing bonds for internal improvement warrants, and the part-paid "five million loan" bonds.

I will report at an early day of the session on that part of my duties connected with the banks.

GEO. B. COOPER,
State Treasurer.

Treasurer of the State of Michigan, in account with the State of Michigan.

Dr.		By am't paid during ' fiscal year on acc't	Cr.
Nov. 30. To bal. in treasury Nov. 30, 1848,	\$52,736 98	of general fund,	\$154,740 55
Receipts during fiscal year on acc't of general fund.	213,008 51	do int. imp'mt do	280,122 33
do int. imp. do	208,911 61	do contingent do	1,616 29
do prim'y sch'l do	17,918 72	do State build'g do	1,798 91
do university do	10,233 67	do treasury notes burned,	246 00
do pri. sch. int. do	31,045 85	do pri. sch. int. fund,	40,321 84
do uni. do do	10,741 80	do Uni. do do.	11,397 27
do State build. do	1,850 84	do M C R R C d's,	1,066,38
do M. C. R. R. C. d's	454 06	Nov. 30, 1849,	55,597 47
	<u>\$546,902 04</u>		<u>\$546,902 04</u>

LEDGER BALANCES, NOV. 30, 1849.

Cash,	\$55,597 47	General fund,	\$18,980 89
Int. Imp. fund.	251,213 38	Pri. school do,	175,250 06
Univ. int. do,	1,507 17	University do,	101,192 38
State build'g do,	1,886 88	Pri. school int. fund,	11,382 24
		Contingent do,	7 72
		M. C. R. R. C. d'ps,	2,550 51
		Treasury notes,	941 00
	<u>\$310,204 90</u>		<u>\$310,204 90</u>

APPENDIX.

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GENERAL FUND.

Dr.		Cr.	
To warr'ts p'd during fiscal year,	\$154,740 56	By balance, Nov. 30, 1848,	\$54,711 17
" am't transferred to int. imp. fund,	75,947 41	" receipts during fiscal year,	213,008 51
" am't transferred to wal. in. fund,	5,559 92		
" am't transferred to pri. sch'l fund,	11,490 81		
" am't transferred to conting't fund,	1,000 00		
Balance Nov. 30, 1849,	18,980 99		
	<u>\$267,719 68</u>		<u>\$267,719 68</u>

INTERNAL IMPROVEMENT FUND.

To balance Nov 30, 1848,	\$255,950 07	By rec. during the fiscal year,	\$208,911 61
" Warr'ts p'd during the fiscal year,	880,122 33	" am't transferred from gen'l fund,	75,947 41
		" bal. Nov. 30th, 1849,	251,218 38
	<u>\$536,072 40</u>		<u>\$536,072 40</u>

PRIMARY SCHOOL FUND.

To balance Nov. 30, 1849,	\$175,250 06	By balance Nov. 30, 1848,	\$157,331 84
		" receipts during the fiscal year,	17,918 72
	<u>\$175,250 06</u>		<u>\$175,250 06</u>

UNIVERSITY FUND.

To balance Nov. 30, 1848,	\$101,192 38	By balance Nov. 30, 1848,	\$90,958 71
		" receipts during the fiscal year,	10,233 67
	<u>\$101,192 38</u>		<u>\$101,192 38</u>

APPENDIX.

PRIMARY SCHOOL INTEREST FUND.

Dr.			Cr.
To warrants p'd dur'g the fiscal year,	\$40,321 84	By balance Nov. 30, 1848,	\$9,067 42
" balance Nov. 30, 1849.	\$11,282 24	" receipts during the fiscal year,	31,045 85
		" am't transferred from gen'l fund,	11,490 81
	<u>\$51,604 08</u>		<u>\$51,604 08</u>

UNIVERSITY INTEREST FUND.

To balance Nov. 30, 1848,	\$6,411 62	By receipts during the fiscal year,	\$10,741 80
" Warrants paid during the fiscal year.	11,397 27	" am't transferred from general fund,	5,559 92
		" balance Nov. 30, 1849,	1,507 17
	<u>\$17,808 89</u>		<u>\$17,808 89</u>

CONTINGENT FUND.

To warrants p'd during the fiscal year,	\$1,616 29	By balance Nov. 30, 1848,	\$624 01
" balance Nov. 30, 1849,	7 72	" am't tr'sferred fr'm general fund,	1,000 00
	<u>\$1,624 01</u>		<u>\$1,624 01</u>

MICHIGAN CENTRAL RAIL ROAD COMPANY DEPOSITS.

To warrants p'd during fiscal year,	\$1,066 38	By balance Nov. 30, 1848,	\$3,162 83
" balance Nov. 30, 1849,	2,550 51	" receipts during the fiscal year.	454 06
	<u>\$3,616 89</u>		<u>\$3,616 89</u>

STATE BUILDING FUND.

To balance Nov. 30, 1848,	\$1,943 81	By receipts during the fiscal year,	\$1,850 84
" Warrants p'd during the fiscal year.	1,793 91	" balance Nov. 30, 1849.	1,888 88
	<u>\$3,737 72</u>		<u>\$3,737 72</u>

APPENDIX.

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TREASURY NOTES.

Dr.

Cr.

To amount paid during
the fiscal year for
treas'y notes burn'd,
" balance outstanding
Nov 30, 1849,

\$246 00

941 00

\$1,187 00

By balance outstanding
Nov. 30, 1848.

\$1,187 00

\$1,187 00

1. The first part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

2.

3.

4. The second part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

5.

6. The third part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

STATEMENT OF VOTES

GIVEN at the General Election held within the State of Michigan, on Tuesday the sixth day of November, in the year of our Lord one thousand eight hundred and forty-nine, for and against an amendment to the Constitution of said State, proposed by the Legislature thereof, for the year 1848, in and by Joint Resolution No. 37, approved March 27th, 1848; and agreed to and submitted for the approval and ratification of the people of said State, by the Legislature thereof for the year 1849, by Joint Resolution No. 12, approved February 22d, 1849: which said proposed amendment is in the words following, to wit: "The Legislature of this State for the year eighteen hundred and fifty, shall provide by law for the election by the people of the following officers, viz: Judges of the Supreme Court, who shall be ineligible to any other than a judicial office during the term for which they are elected, and for one year thereafter; Auditor General, State Treasurer, Secretary of State, Attorney General, Superintendent of Public Instruction and Prosecuting Attorneys: and the said Judges are prohibited from receiving any fees of office or other compensation than their salaries, for any civil duties performed by them."

COUNTIES.	For the amend- ment.	Against the Amendment.	Total.
Allegan,	624	2	626
Barry,	767	0	767
Berrien,	869	2	871
Branch,	882	64	946
Calhoun,	2,270	31	2,301
Cass,	1,297	149	1,446
Chippewa,	16	0	16
Clinton,	424	26	450
Eaton,	691	63	754
Genesee,	1,239	17	1,256
Hilledale,	1,851	2	1,853
Houghton,	No	Returns	
Ingham,	981	52	1,033
Ionia,	668	19	687
Jackson,	2,377	2	2,379
Kalamazoo,	1,237	6	1,243
Kent,	1,237	8	1,245
Lapeer,	615	1	616
Lenawee,	1,923	4	1,927
Livingston,	1,684	1	1,685
Mackinac,	90	1	91
Macomb,	1,311	11	1,322
Monroe,	730	144	874
Oakland,	3,102	22	3,124
Ottawa,	339	9	348
Saginaw,	299	3	302
Shiawassee,	807	2	809
St. Clair,	957	7	964
St. Joseph,	1,554	24	1,578
Van Buren,	843	4	847
Washtenaw,	3,190	10	3,199
Wayne,	3,243	49	3,293
Total.	38,117	728	38,845

The whole number of votes given at said election for and against the amendment to the Constitution, was, thirty-eight thousand eight

hundred and forty-five; of which votes, thirty-eight thousand one hundred and seventeen were given for the said amendment, and seven hundred and twenty-eight were given against the said amendment.

We certify the foregoing to be a correct statement of the votes given in the State of Michigan, for and against the amendment to the Constitution of the said State, submitted to the people thereof at the said election, holden on the sixth day of November, (A. D. 1849,) in the year of our Lord one thousand eight hundred and forty-nine, as appears from the canvass and examination of the statements of votes given in the several counties, received by the Secretary of State from the respective county clerks, duly certified under their hands and seals of office.

In witness whereof we have hereunto set our names at the office of the Secretary of State, this fifteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine.

GEO. W. PECK, Secretary of State,
JOHN J. ADAM, Auditor General,
GEO. B. COOPER, State Treasurer,

Board of State Canvassers.

State of Michigan, ss.

We, the undersigned, having in pursuance of law, this fifteenth day of December, A. D. one thousand eight hundred and forty-nine, at the office of the Secretary of State, examined and canvassed the statements received by the said Secretary of the votes given in the several counties for and against the said amendment, at the general election holden on the sixth day of November, A. D. one thousand eight hundred and forty-nine, and made out a correct statement of the whole number of votes given at such election for and against said amendment, and certified such statement to be correct, and subscribed our names thereto; and it appearing from such canvass and statement that the greatest number of votes was given in favor of said amendment, do hereby determine that the said amendment has been duly approved and ratified according to the provisions of the first section of the thirteenth article of the Constitution of said State:

GEO. W. PECK, Secretary of State,
JOHN J. ADAM, Auditor General,
GEO. B. COOPER, State Treasurer,

Board of State Canvassers.

STATEMENT OF VOTES

GIVEN at the general election held within the State of Michigan on Tuesday the sixth day of November, in the year of our Lord one thousand eight hundred and forty-nine, for and against a Convention to be called for the purpose of making a general revision of the Constitution of this State, recommended by the Legislature thereof for the year 1849, pursuant to section 2 of article thirteen of the Constitution of this State, by Joint Resolution No. 21, approved March 12th, 1849.

COUNTIES.	For a Con- vention.	Against a Convention.	Blanks.	Total.
Allegan,	482	110		592
Barry,	745	0		745
Berrien,	824	46		870
Branch,	635	175		810
Calhoun,	2,109	107		2,216
Cass,	1,002	263		1,270
Chippewa,	16	1		17
Clinton,	91	355		446
Eaton,	508	283		791
Genesee,	860	250		1,110
Hillsdale,	1,779	48		1,827
Houghton,	Not	Returned.		
Ingham,	539	361		900
Ionia,	352	229		581
Jackson,	2,653	119		2,772
Kalamazoo,	1,019	136		1,155
Kent,	1,179	28		1,207
Lapeer,	422	114		536
Lenawee,	1,734	98		1,832
Livingston,	1,523	142		1,665
Mackinac,	87	1		88
Macomb,	1,106	126		1,232
Monroe,	460	180		640
Oakland,	2,640	299		2,939
Ottawa,	314	17		331
Saginaw,	177	1		178
Shiawassee,	701	113		814
St. Clair,	911	40		951
St. Joseph,	1,222	177		1,399
Van Buren,	792	32		824
Washtenaw,	3,095	42		3,137
Wayne,	3,216	197	3	3,416
Total,	33,193	4,095	3	37,291

The whole number of votes given at said election for and against a Convention to be called for the purpose of making a general revision of the Constitution of said State of Michigan, was thirty-seven thousand two hundred and ninety-one; of which votes, thirty-three thousand one hundred and ninety-three were given for the said Convention, four thousand and ninety-five were given against the said Convention, and three of said votes were blanks.

We certify the foregoing to be a correct statement of the votes given in the State of Michigan for and against the said Convention, submitted to the people of said State, at the said election, holden on the sixth day of November, in the year of our Lord one thousand eight hundred and forty-nine, as appears from the canvass and examination of the statements of votes given in the several counties, received by the Secretary of State from the respective county clerks, duly certified under their hands and seals of office. In witness whereof we have hereunto set our names, at the office of the Secretary of State, this fifteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine.

GEO. W. PECK, Secretary of State,
JOHN J. ADAM, Auditor General,
GEO. B. COOPER, State Treasurer.

Board of State Canvassers.

State of Michigan, ss.

We, the undersigned, having in pursuance of law, this fifteenth day of December, A. D. one thousand eight hundred and forty-nine, at the office of the Secretary of State, examined and canvassed the statements received by the said Secretary, of the votes given in the several counties at the general election holden on the sixth day of November, A. D. one thousand eight hundred and forty-nine, for and against a Convention to be called for the purpose of making a general revision of the Constitution of this State, and made out a correct statement of the whole number of votes given at such election for and against said Convention, and certified such statement to be correct, and subscribed our names thereto; and it appearing from such canvass and statement that the greatest number of votes was given in favor of said Convention, do hereby determine that said Convention has been duly called according to the provisions of the second section of the thirteenth article of the Constitution of said State.

GEO. W. PECK, Secretary of State,
JOHN J. ADAM, Auditor General,
GEO. B. COOPER, State Treasurer.

Board of State Canvassers.

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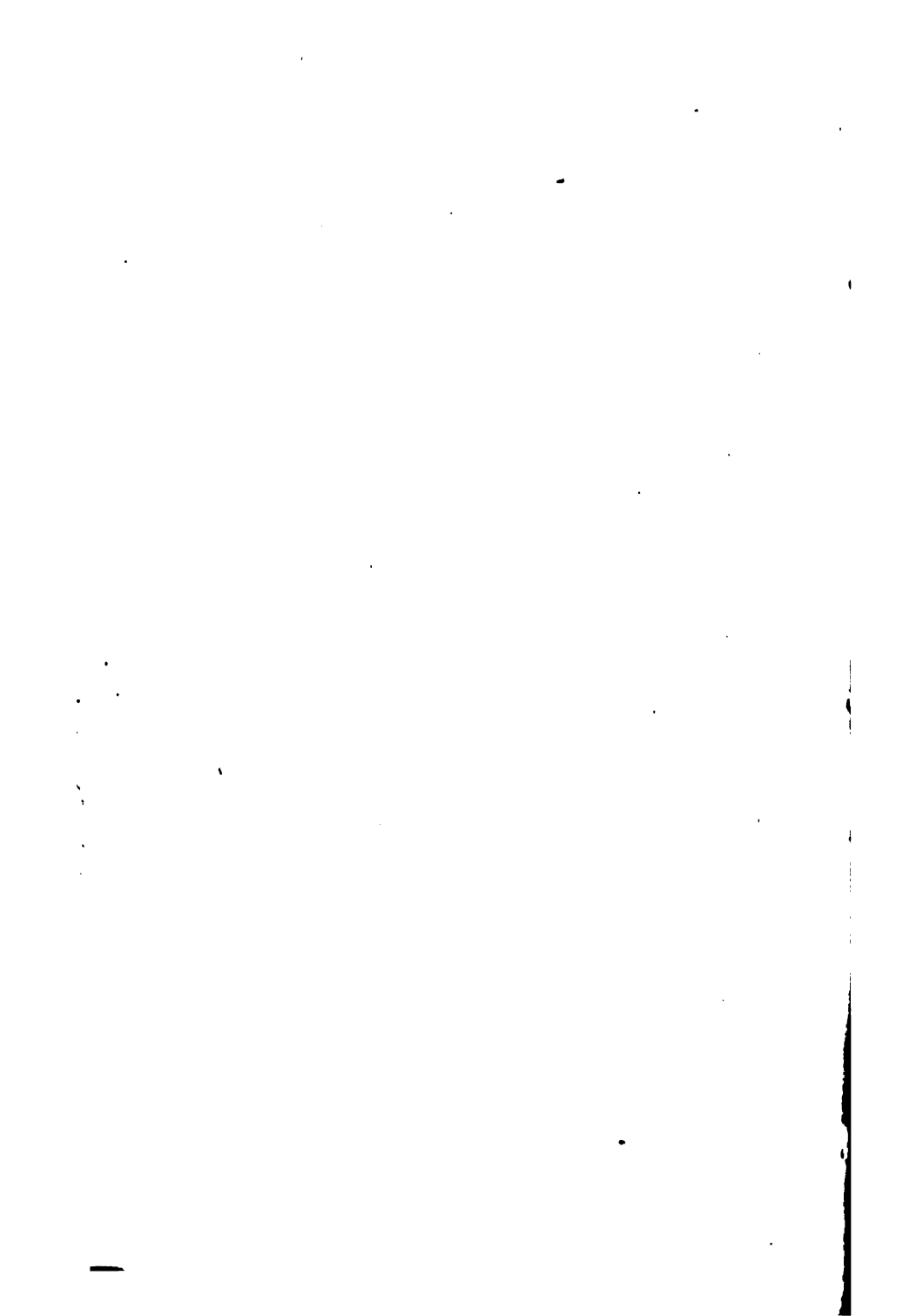
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ACTS
OF
THE LEGISLATURE
OF THE
STATE OF MICHIGAN,

PASSED AT THE
ANNUAL AND EXTRA SESSIONS OF 1851,
TOGETHER WITH THE
REVISED CONSTITUTION
AND
AN APPENDIX,
CONTAINING
THE STATE TREASURER'S ANNUAL REPORT, &c.



BY AUTHORITY.

LANSING :
R. W. INGALS, STATE PRINTER.
.....
1851.

NAMES

Of the Governor, Lieut. Governor, Senators and Representatives in Office at the time of the passage of the Laws contained in this Volume.

JOHN S. BARRY, GOVERNOR.

SENATE.

WILLIAM M. FENTON,

LIEUTENANT GOVERNOR, AND PRESIDENT OF THE SENATE.

DISTRICT.	SENATORS.	COUNTIES.
First District, - - - -	Andrew Harvie,	Wayne,
" "	Henry C. Kibbee,	Macomb,
" "	Titus Dort,	Wayne,
" "	Joseph T. Copeland,	St. Clair.
Second District, - - -	N. G. Isbell,	Livingston,
" "	Michael Shoemaker,	Jackson,
" "	B. Case,	Washtenaw,
" "	George Danforth,	Washtenaw.
Third District, - - -	Alfred French,	Branch,
" "	Isaac P. Christiancy,	Monroe,
" "	H. S. Mead,	Hilledale,
" "	John Barber,	Lenawee.
Fourth District, - - -	Henry H. Riley,	St. Joseph,
" "	Philotus Hayden,	Van Buren.
Fifth District, - - -	Charles Dickey,	Calhoun,
" "	Geo. Thomas,	Kalamazoo.
Sixth District, - - -	Elijah J. Roberts,	Houghton,
" "	Samuel Axford,	Oakland,
" "	Noah Beach,	Saginaw,
" "	John P. LeRoy,	Oakland.
Seventh District, - - -	John Bowne,	Barry,
" "	David Sturgis,	Clinton.

HOUSE OF REPRESENTATIVES.

JEFFERSON G. THURBER, OF MONROE, SPEAKER.

NAMES.	COUNTIES.	NAMES.	COUNTIES.
John Bacon,	Chippewa.	Noah H. Hart,	Lapeer.
John L. Balcombe,	Calhoun.	M. W. Hicks,	Oakland.
Elias J. Baldwin,	Lenawee.	John P. Hitchings,	Jackson.
Eleazer Barnes,	Monroe.	Sardes F. Hubbell,	Oakland.
Charles N. Beecher,	Genesee.	Benjamin F. Hyde,	Wayne.
Calvin Britain,	Berrien.	John D. Irvine,	Mackinac.
John W. Butterfield,	Berrien.	E. C. Kimberly,	Shiawassee.
Alanson Calkins,	Tuscola.	S. L. Lawrence,	Branch.
D. L. Case,	Ionia.	George Martin,	Wayne.
S. M. Case,	Livingston.	Jarvis E. Marvin,	Washtenaw.
George Chandler,	Macomb.	Joseph P. Minne,	St. Clair.
A. W. Childs,	Lenawee.	W. R. Montgomery,	Hillsdale.
Thomas B. Church,	Kent.	A. H. Moore,	St. Joseph.
Darius Clark,	Calhoun.	H. M. Moore,	Montcalm.
David Clark,	Clinton.	James Patterson,	Oakland.
Wm. L. Clyburn,	Cass.	Nathan Pierce,	Calhoun.
Patrick Corrigan,	Monroe.	Roland Root,	Branch.
Lewis M. Covert,	Oakland.	James Sexton,	Wayne.
George Crane,	Lenawee.	Jonathan Shearer,	Wayne.
Sanford H. Corbin,	Macomb.	George Sherwood,	Cass.
John S. Crosman,	Ingham.	David Shook,	Macomb.
Henry Darling,	Lenawee.	James L. Smith,	St. Clair.
Barney Earl,	Kalamazoo.	Ezra Stetson,	Kalamazoo.
Jerome B. Eaton,	Jackson.	Aaron D. Truesdell,	Washtenaw.
Levi Eaton,	Wayne.	Oka Town,	Allegan.
Joseph S. Fenton,	Genesee.	John W. Turner,	Saginaw.
Thomas W. Ferry,	Ottawa.	Hiram Voorhies,	Oakland.
Morgan L. Fitch,	Van Buren.	Jonathan G. Waite,	St. Joseph.
Ralph Fowler,	Livingston.	Pascal D. Warner,	Oakland.
Thomas Gray,	Lenawee.	William Warner,	Washtenaw.
Charles Gregory,	Hillsdale.	Freeman C. Watkins,	Jackson.
Alfred B. Gulley,	Wayne.	Calvin Wheeler,	Washtenaw.
Horatio Hall,	Eaton.	John K. Yocum,	Washtenaw.
Salmon C. Hall,	Barry.		

CONSTITUTION OF MICHIGAN.

The People of the State of Michigan do ordain this Constitution:

ARTICLE I.

BOUNDARIES.

The State of Michigan consists of and has jurisdiction over the territory embraced within the following boundaries, to wit: Commencing at a point on the eastern boundary line of the State of Indiana, where a direct line drawn from the southern extremity of Lake Michigan to the most northerly cape of the Maumee Bay shall intersect the same—said point being the north-west corner of the State of Ohio, as established by act of Congress, entitled “an act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union upon the conditions therein expressed,” approved June¹⁵ fifteenth, one thousand eight hundred and thirty-six; thence with the said boundary line of the State of Ohio till it intersects the boundary line between the United States and Canada in Lake Erie; thence with said boundary line between the United States and Canada through the Detroit river, Lake Huron and Lake Superior to a point where the said line last touches Lake Superior; thence in a direct line through Lake Superior to the mouth of the Montreal river; thence through the middle of the main channel of the said river Montreal to the head waters thereof; thence in a direct line to the centre of the channel between Middle and South Islands in the Lake of the Desert; thence in a direct line to the southern shore of Lake Brule; thence along said southern shore and down the river Brule to the main channel of the

Territory
over which
the State of
Michigan
has jurisdic-
tion

CONSTITUTION OF MICHIGAN.

Menominee river; thence down the centre of the main channel of the same to the centre of the most usual ship channel of the Green Bay of Lake Michigan; thence through the centre of the most usual ship channel of the said bay to the middle of Lake Michigan; thence through the middle of Lake Michigan to the northern boundary of the State of Indiana, as that line was established by the act of Congress of the nineteenth of April, eighteen hundred and sixteen; thence due east with the northern boundary line of the said State of Indiana to the north-east corner thereof; and thence south with the eastern boundary line of Indiana to the place of beginning.

ARTICLE II.

SEAT OF GOVERNMENT.

Seat of gov-
ernment.

§ 1. The Seat of Government shall be at Lansing, where it is now established.

ARTICLE III.

DIVISION OF THE POWERS OF GOVERNMENT.

Division of
powers of
government.

§ 1. The powers of government are divided into three departments: the Legislative, Executive and Judicial.

No person
belonging to
one depart-
ment to exer-
cise powers
of another.

§ 2. No person belonging to one department shall exercise the powers properly belonging to another, except in the cases expressly provided in this constitution.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

Legislative
department.

§ 1. The legislative power is vested in a Senate and House of Representatives.

Senate.

§ 2. The Senate shall consist of thirty-two members. Senators shall be elected for two years, and by single districts. Such districts shall be numbered from one to thirty-two inclusive; each of which shall choose one Senator. No county shall be divided in the formation of Senate districts, except such county shall be equitably entitled to two or more Senators.

House of
Representa-
tives.

§ 3. The House of Representatives shall consist of not less than sixty-four, nor more than one hundred members. Representatives shall be chosen for two years, and by single districts. Each Representative district shall contain, as nearly as may be, an equal number of white inhabitants, and civilized persons of Indian descent, not

members of any tribe, and shall consist of convenient and contiguous territory. But no township or city shall be divided in the formation of a Representative district. When any township or city shall contain a population which entitles it to more than one Representative, then such township or city shall elect by general ticket the number of Representatives to which it is entitled. Each county hereafter organized, with such territory as may be attached thereto, shall be entitled to a separate Representative when it has attained a population equal to a moiety of the ratio of representation. In every county entitled to more than one Representative, the board of supervisors shall assemble at such time and place as the Legislature shall prescribe, and divide the same into Representative districts, equal to the number of Representatives to which such county is entitled by law, and shall cause to be filed in the offices of the Secretary of State and clerk of such county a description of such Representative districts, specifying the number of each district, and the population thereof, according to the last preceding enumeration.

Representative dist's.

§ 4. The Legislature shall provide by law for an enumeration of the inhabitants in the year eighteen hundred and fifty-four, and every ten years thereafter, and at the first session after each enumeration so made, and also at the first session after each enumeration by the authority of the United States, the Legislature shall re-arrange the Senate districts and apportion anew the Representatives among the counties and districts, according to the number of white inhabitants and civilized persons of Indian descent, not members of any tribe. Each apportionment and the division into Representative districts, by any board of supervisors, shall remain unaltered until the return of another enumeration.

Enumeration of inhabitants.

Apportionment of Representatives.

§ 5. Senators and Representatives shall be citizens of the United States, and qualified electors in the respective counties and districts which they represent. A removal from their respective counties or districts shall be deemed a vacation of their office.

Senators & Representatives to be citizens.

§ No person holding any office under the United States [or this State,] or any county office, except notaries public, officers of the militia and officers elected by townships, shall be eligible to or have a seat in either house of the Legislature; and all votes given for any such person shall be void.

Certain officers ineligible to a seat in the legislature.

Privilege of
Senators &
Representa-
tives.

§ 7. Senators and Representatives shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest. They shall not be subject to any civil process during the session of the Legislature, or for fifteen days next before the commencement and after the termination of each session. They shall not be questioned in any other place for any speech in either house.

Majority of
each house
to constitute
a quorum.

§ 8. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each house may prescribe.

Powers of
each house.

§ 9. Each house shall choose its own officers, determine the rules of its proceedings, and judge of the qualifications, elections and returns of its members; and may, with the concurrence of two-thirds of all the members elected, expel a member. No member shall be expelled a second time for the same cause, nor for any cause known to his constituents antecedent to his election. The reason for such expulsion shall be entered upon the journal, with the names of the members voting on the question.

Rules—ex-
pulsion of
members.

Each house
to keep jour-
nal.

§ 10. Each house shall keep a journal of its proceedings, and publish the same, except such parts as may require secrecy. The yeas and nays of the members of either house, on any question, shall be entered on the journal at the request of one-fifth of the members elected. Any member of either house may dissent from and protest against any act, proceeding or resolution which he may deem injurious to any person or the public, and have the reason of his dissent entered on the journal.

Elections
viva voce.

Yeas & nays

§ 11. In all elections by either house or in joint convention the votes shall be given *viva voce*. All votes on nominations to the Senate shall be taken by yeas and nays, and published with the journal of its proceedings.

Doors to be
open—ad-
journalment.

§ 12. The doors of each house shall be open, unless the public welfare require secrecy. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than where the Legislature may then be in session.

Bills

§ 13. Bills may originate in either house of the Legislature.

§ 14. Every bill and concurrent resolution, except of adjournment, passed by the Legislature, shall be presented to the Gover-

CONSTITUTION OF MICHIGAN.

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nor before it becomes a law. If he approve, he shall sign it; but if ^{Bill and resolutions to be presented to governor.} he shall return it with his objections to the house in which it originated, which shall enter the objections at large upon their journal, and reconsider it. On such reconsideration, if two-thirds of the members elected agree to pass the bill, it shall be sent with the objections to the other house, by which it shall be reconsidered. If approved by two-thirds of the members elected to that house, it shall become a law. In such case the vote of both houses shall be determined by yeas and nays; and the names of the members voting for and against the bill shall be entered on the journals of each house respectively. If any bill be not returned by the Governor within ten days, Sundays excepted, after it has been presented to him, the same shall become a law, in like manner as if he had signed it, unless the Legislature, by their adjournment, prevent its return; in which case it shall not become a law. The Governor may approve, sign and file in the office of the Secretary of State, within five days after the adjournment of the Legislature, any act passed during the last five days of the session; and the same shall become a law.

§ 15. The compensation of the members of the Legislature shall be three dollars a day for actual attendance and when absent on ^{Compensation of members.} account of sickness, for the first sixty days of the session of the year one thousand eight hundred and fifty-one, and for the first forty days of every subsequent session, and nothing thereafter. When convened in extra session their compensation shall be three dollars a day for the first twenty days, and nothing thereafter; and they shall ^{Mileage.} legislate on no other subjects than those expressly stated in the Governor's proclamation, or submitted to them by special message. They shall be entitled to ten cents and no more for every mile actually traveled, going to and returning from the place of meeting, on the ^{Stationery.} usually traveled route; and for stationery and newspapers not exceeding five dollars for each member during any session. Each member shall be entitled to one copy of the laws, journals and documents of the Legislature of which he was a member; but shall not receive, at the expense of the State, books, newspapers, or other perquisites of office, not expressly authorized by this constitution.

§ 16. The Legislature may provide by law for the payment of

CONSTITUTION OF MICHIGAN.

postage on all mailable matter received by its members and officers during the sessions of the Legislature, but not on any sent or mailed by them.

Compensation of President of Senate & Speaker of House

§ 17. The President of the Senate and the Speaker of the House of Representatives shall be entitled to the same per diem compensation and mileage as members of the Legislature, and no more.

No member to receive civil appointment nor be interested in contract with the State.

§ 18. No person elected a member of the Legislature shall receive any civil appointment within this State, or to the Senate of the United States, from the Governor, the Governor and Senate, from the Legislature, or any other State authority, during the term for which he is elected. All such appointments and all votes given for any person so elected for any such office or appointment, shall be void. No member of the Legislature shall be interested, directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during the time for which he is elected, nor for one year thereafter.

Bills and resolutions to be read three times.

§ 19. Every bill and joint resolution shall be read three times in each house, before the final passage thereof. No bill or joint resolution shall become a law without the concurrence of a majority of all the members elected to each house. On the final passage of all bills the vote shall be by yeas and nays, and entered on the journal.

Ayes and noes on final passage.

No law to embrace but one object.

§ 20. No law shall embrace more than one object, which shall be expressed in its title. No public act shall take effect or be in force until the expiration of ninety days from the end of the session at which the same is passed, unless the Legislature shall otherwise direct, by a two-thirds vote of the members elected to each house.

When acts to take effect.

Legislature not to grant extra compensation to officers, &c.

§ 21. The Legislature shall not grant nor authorize extra compensation to any public officer, agent or contractor, after the service has been rendered or the contract entered into.

Fuel, stationery, printing, &c., to be let by contract.

§ 22. The Legislature shall provide by law that the furnishing of fuel and stationery for the use of the State, the printing and binding the laws and journals, all blanks, paper and printing for the executive departments, and all other printing ordered by the Legislature, shall be let by contract to the lowest bidder or bidders, who shall give adequate and satisfactory security for the performance thereof. The Legislature shall prescribe by law the manner in which the State printing shall be executed, and the accounts rendered therefor;

and shall prohibit all charges for constructive labor. They shall not rescind nor alter such contract, nor release the person or persons taking the same; or his or their sureties, from the performance of any of the conditions of the contract. No member of the Legislature nor officer of the State, shall be interested directly or indirectly in any such contract.

§ 23. The Legislature shall not authorize, by private or special law, the sale or conveyance of any real estate belonging to any person; nor vacate nor alter any road laid out by commissioners of highways, or any street in any city or village, or in any recorded town plat.

Legislature not to authorize sale or conveyance of real estate nor vacate any road.

§ 24. The Legislature may authorize the employment of a chaplain for the State prison; but no money shall be appropriated for the payment of any religious services in either house of the Legislature.

Chaplain for state prison; not for legislature.

§ 25. No law shall be revised, altered or amended by reference to its title only; but the act revised, and the section or sections of the act altered or amended, shall be re-enacted and published at length.

Acts altered or amended to be re-enacted and published at length.

§ 26. Divorces shall not be granted by the Legislature.

Divorces.

§ 27. The Legislature shall not authorize any lottery, nor permit the sale of lottery tickets.

Lotteries.

§ 28. No new bill shall be introduced into either house during the last three days of the session, without the unanimous consent of the house in which it originates.

No bill to be introduced during last three days of session.

§ 29. In case of a contested election, the person only shall receive from the State per diem compensation and mileage, who is declared to be entitled to a seat by the house in which the contest takes place.

Contested elections.

§ 30. No collector, holder, nor disburser of public moneys, shall have a seat in the Legislature, or be eligible to any office of trust or profit under this State, until he shall have accounted for and paid over, as provided by law, all sums for which he may be liable.

Collectors and holders of public money ineligible to office.

§ 31. The Legislature shall not audit nor allow any private claim or account.

Private claims.

§ 32. The Legislature, on the day of final adjournment, shall adjourn at twelve o'clock at noon.

Hour of adjournment.

§ 33. The Legislature shall meet at the seat of government on the first Wednesday in February next, and on the first Wednesday

Meeting of legislature.

CONSTITUTION OF MICHIGAN.

in January of every second year thereafter, and at no other place or time, unless as provided in this constitution.

Election of
Senators &
Representa-
tives in 1833
and thereaf-
ter.

§ 34. The election of Senators and Representatives, pursuant to the provisions of this constitution, shall be held on the Tuesday succeeding the first Monday of November, in the year one thousand eight hundred and fifty-two, and on the Tuesday succeeding the first Monday of November of every second year thereafter.

State paper.

§ 35. The Legislature shall not establish a State paper. Every newspaper in the State which shall publish all the general laws of any session within forty days of their passage, shall be entitled to receive a sum not exceeding fifteen dollars therefor.

Compensa-
tion for pub-
lishing laws

Publication
of statutes
and decisi-
ons.

§ 36. The Legislature shall provide for the speedy publication of all statute laws of a public nature, and of such judicial decisions as it may deem expedient. All laws and judicial decisions shall be free for publication by any person.

Vacancies.

§ 37. The Legislature may declare the cases in which any office shall be deemed vacant, and also the manner of filling the vacancy, where no provision is made for that purpose in this constitution.

Local legis-
lation.

§ 38. The Legislature may confer upon organized townships, incorporated cities and villages, and upon the board of supervisors of the several counties, such powers of a local, legislative and administrative character as they may deem proper.

Religious
liberty.

§ 39. The Legislature shall pass no law to prevent any person from worshipping Almighty God according to the dictates of his own conscience, or to compel any person to attend, erect or support any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion.

No money
drawn from
treasury for
religious
purposes.

§ 40. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary, nor shall property belonging to the State be appropriated for any such purposes.

Rights of
opinion.

§ 41. The Legislature shall not diminish or enlarge the civil or political rights, privileges and capacities of any person on account of his opinion or belief concerning matters of religion.

Liberty of
speech and
press.

§ 42. No law shall ever be passed to restrain or abridge the liberty of speech or of the press; but every person may freely speak,

CONSTITUTION OF MICHIGAN.

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write and publish his sentiments on all subjects, being responsible for the abuse of such right,

§ 43. The Legislature shall pass no bill of attainder, ex-post facto ^{Attainder.} law, or law impairing the obligation of contracts.

§ 44. The privilege of the writ of habeas corpus remains and shall not be suspended by the Legislature, except in case of rebellion or invasion the public safety require it. ^{Habeas corpus.}

§ 45. The assent of two-thirds of the members elected to each house of the Legislature shall be requisite to every bill appropriating the public money or property for local or private purposes. ^{Bills appropriating money.}

§ 46. The Legislature may authorize a trial by a jury of a less number than twelve men. ^{Trial by jury.}

§ 47. The Legislature shall not pass any act authorizing the grant of license for the sale of ardent spirits or other intoxicating liquors. ^{Licenses.}

§ 48. The style of the laws shall be "The people of the State of Michigan enact." ^{Style of laws.}

ARTICLE V.

EXECUTIVE DEPARTMENT.

§ 1. The Executive power is vested in a Governor, who shall hold his office for two years. A Lieutenant Governor shall be chosen for the same term. ^{Governor and Lt. governor.}

§ 2. No person shall be eligible to the office of Governor or Lieutenant Governor, who has not been five years a citizen of the United States, and a resident of this State two years next preceding his election; nor shall any person be eligible to either office who has not attained the age of thirty years. ^{Eligibility.}

§ 3. The Governor and Lieutenant Governor shall be elected at the times and places of choosing the members of the Legislature. The person having the highest number of votes for Governor or Lieutenant Governor, shall be elected. In case two or more persons shall have an equal and the highest number of votes for Governor or Lieutenant Governor, the Legislature shall, by joint vote, choose one of such persons. ^{How elected}

§ 4. The Governor shall be Commander-in-Chief of the military and naval forces, and may call out such forces to execute the laws, to suppress insurrections and to repel invasions. ^{Power of Governor.}

Executive
business.

§ 5. He shall transact all necessary business with officers of government, and may require information, in writing, from the officers of the Executive department, upon any subject relating to the duties of their respective offices.

Execution
of laws;
Convening
the legisla-
ture.

§ 6. He shall take care that the laws be faithfully executed.

§ 7. He may convene the Legislature on extraordinary occasions.

Messages.

§ 8. He shall give to the Legislature, and at the close of his official term to the next Legislature, information by message of the condition of the State, and recommend such measures to them as he shall deem expedient.

May con-
vene the le-
gislation at
other place
than capi-
tol.

§ 9. He may convene the Legislature at some other place when the seat of government becomes dangerous from disease or a common enemy.

Writs of
election.

§ 10. He shall issue writs of election to fill such vacancies as occur in the Senate or House of Representatives.

Reprieves
and par-
dons.

§ 11. He may grant reprieves, commutations and pardons after convictions, for all offences except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, subject to regulations provided by law, relative to the manner of applying for pardons. Upon conviction for treason, he may suspend the execution of the sentence until the case shall be reported to the Legislature at its next session, when the Legislature shall either pardon, or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall communicate to the Legislature at each session information of each case of reprieve, commutation or pardon granted, and the reasons therefor.

Vacancy,
&c.

§ 12. In case of the impeachment of the Governor, his removal from office, death, inability, resignation or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term, or until the disability ceases. When the Governor shall be out of the State in time of war, at the head of a military force thereof, he shall continue Commander-in-Chief of all the military force of the State.

Vacancy;
how filled.

§ 13. During a vacancy in the office of Governor, if the Lieutenant Governor die, resign, be impeached, displaced, be incapable of performing the duties of his office, or absent from the State, the Pre-

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sident *pro tempore* of the Senate shall act as Governor, until the vacancy be filled, or the disability cease.

§ 14. The Lieutenant Governor shall, by virtue of his office, be President of the Senate. In committee of the whole he may debate all questions; and when there is an equal division, he shall give the casting vote.

Lt. governor to be president of Senate.

§ 15. No member of Congress, nor any person holding office under the United States, or this State, shall execute the office of Governor.

U. S. officer ineligible to office of governor.

§ 16. No person elected Governor or Lieutenant Governor, shall be eligible to any office or appointment from the Legislature, or either house thereof, during the time for which he was elected. All votes for either of them, for any such office, shall be void.

Governor &c. not to receive appointment from legislature.

§ 17. The Lieutenant [Governor] and President of the Senate *pro tempore*, when performing the duties of Governor, shall receive the same compensation as the Governor.

Compensation.

§ 18. All official acts of the Governor, his approval of the laws excepted, shall be authenticated by the Great Seal of the State, which shall be kept by the Secretary of State.

Great seal.

§ 19. All commissions issued to persons holding office under the provisions of this constitution, shall be in the name and by the authority of the people of the State of Michigan, sealed with the Great Seal of the State, signed by the Governor, and countersigned by the Secretary of State.

Commissions; how issued.

ARTICLE VI.

JUDICIAL DEPARTMENT.

§ 1. The judicial power is vested in one supreme court, in circuit courts, in probate courts, and in justices of the peace. Municipal courts of civil and criminal jurisdiction may be established by the Legislature in cities.

Judicial power.

§ 2. For the term of six years, and thereafter, until the Legislature otherwise provide, the judges of the several circuit courts shall be judges of the supreme court, four of whom shall constitute a quorum. A concurrence of three shall be necessary to a final decision. After six years the Legislature may provide by law for the organization of a supreme court, with the jurisdiction and powers

Supreme court.

prescribed in this constitution, to consist of one chief justice and three associate justices, to be chosen by the electors of the State. Such supreme court, when so organized, shall not be changed or discontinued by the Legislature for eight years thereafter. The judges thereof shall be so classified that but one of them shall go out of office at the same time. Their term of office shall be eight years.

Powers.

§ 3. The supreme court shall have a general superintending control over all inferior courts, and shall have power to issue writs of error, habeas corpus, mandamus, quo warranto, procedendo, and other original and remedial writs, and to hear and determine the same. In all other cases it shall have appellate jurisdiction only.

Terms.

§ 4. Four terms of the supreme court shall be held annually, at such times and places as may be designated by law.

Rules, &c.

§ 5. The supreme court shall, by general rules, establish, modify and amend the practice in such court and in the circuit courts, and simplify the same. The Legislature shall, as far as practicable, abolish distinctions between law and equity proceedings. The office of master in chancery is prohibited.

Masters in
chancery
prohibited.Judicial cir-
cuits.

§ 6. The State shall be divided into eight judicial circuits; in each of which the electors thereof shall elect one circuit judge, who shall hold his office for the term of six years, and until his successor is elected and qualified.

Alteration.

§ 7. The Legislature may alter the limits of circuits or increase the number of the same. No alteration or increase shall have the effect to remove a judge from office. In every additional circuit established the judge shall be elected by the electors of such circuit, and his term of office shall continue as provided in this constitution for judges of the circuit court.

Powers, &c.

§ 8. The circuit courts shall have original jurisdiction in all matters, civil and criminal, not excepted in this constitution, and not prohibited by law; and appellate jurisdiction from all inferior courts and tribunals, and a supervisory control of the same. They shall also have power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari and other writs necessary to carry into effect their orders, judgments and decrees, and give them a general control over inferior courts and tribunals within their respective jurisdictions.

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§ 9. Each of the judges of the circuit courts shall receive a salary payable quarterly. They shall be ineligible to any other than a judicial office during the term for which they are elected, and for one year thereafter. All votes for any person elected such judge for any office other than judicial, given either by the Legislature or the people, shall be void. Salary of judges.

§ 10. The supreme court may appoint a reporter of its decisions. The decisions of the supreme court shall be in writing, and signed by the judges concurring therein. Any judge dissenting therefrom, shall give the reasons of such dissent in writing, under his signature. All such opinions shall be filed in the office of the clerk of the supreme court. The judges of the circuit court, within their respective jurisdictions, may fill vacancies in the office of county clerk and of prosecuting attorney; but no judge of the supreme court, or circuit court, shall exercise any other power of appointment to public office. Reporter of decisions. Vacancies; how filled.

§ 11. A circuit court shall be held at least twice in each year in every county organized for judicial purposes, and four times in each year in counties containing ten thousand inhabitants. Judges of the circuit court may hold courts for each other, and shall do so when required by law. Terms of circuit courts.

§ 12. The clerk of each county organized for judicial purposes shall be the clerk of the circuit court of such county, and of the supreme court, when held within the same. Clerk of circuit court.

§ 13. In each of the counties organized for judicial purposes, there shall be a court of probate. The judge of such court shall be elected by the electors of the county in which he resides, and shall hold his office for four years, and until his successor is elected and qualified. The jurisdiction, powers and duties of such court shall be prescribed by law. Courts of probate.

§ 14. When a vacancy occurs in the office of judge of the supreme, circuit or probate court, it shall be filled by appointment of the Governor, which shall continue until a successor is elected and qualified. When elected, such successor shall hold his office the residue of the unexpired term. Vacancies; how filled.

§ 15. The supreme court, the circuit and probate courts of each county, shall be courts of record, and shall each have a common seal. Courts of record.

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Circuit
court com-
missioners.

§ 16. The Legislature may provide by law for the election of one or more persons in each organized county, who may be vested with judicial powers, not exceeding those of a judge of the circuit court at chambers.

Justices of
the peace;
how elected,
&c.

§ 17. There shall be not exceeding four justices of the peace in each organized township. They shall be elected by the electors of the townships, and shall hold their offices for four years, and until their successors are elected and qualified. At the first election in any township, they shall be classified as shall be prescribed by law. A justice elected to fill a vacancy shall hold his office for the residue of the unexpired term. The Legislature may increase the number justices in cities.

Jurisdiction
of justices.

§ 18. In civil cases justices of the peace shall have exclusive jurisdiction to the amount of one hundred dollars, and concurrent jurisdiction to the amount of three hundred dollars, which may be increased to five hundred dollars, with such exceptions and restrictions as may be provided by law. They shall also have such criminal jurisdiction and perform such duties as shall be prescribed by the Legislature.

Conservators
of the
peace.

§ 19. Judges of the supreme court, circuit judges, and justices of the peace, shall be conservators of the peace within their respective jurisdictions.

Election of
circuit
judges.

§ 20. The first election of judges of the circuit courts, shall be held on the first Monday in April, one thousand eight hundred and fifty-one, and every sixth year thereafter. Whenever an additional circuit is created, provision shall be made to hold the subsequent election of such additional judges at the regular election herein provided.

Election of
judges of
probate.

§ 21. The first election of judges of the probate courts shall be held on the Tuesday succeeding the first Monday of November, one thousand eight hundred and fifty-two, and every fourth year thereafter.

What deemed
vacancy.

§ 22. Whenever a judge shall remove beyond the limits of the jurisdiction for which he was elected, or a justice of the peace from the township in which he was elected, or by a change in the boundaries of such township shall be placed without the same, they shall be deemed to have vacated their respective offices.

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§ 23. The Legislature may establish courts of conciliation, with such powers and duties as shall be prescribed by law. Courts of conciliation.

§ 24. Any suitor in any court of this State shall have the right to prosecute or defend his suit, either in his own proper person, or by an attorney or agent of his choice. Suitors may appear by attorney or in person.

§ 25. In all prosecutions for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libellous, is true, and was published with good motives and for justifiable ends, the party shall be acquitted. The jury shall have the right to determine the law and the fact. Libels; truth may be given in evidence.

§ 26. The person, houses, papers and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things, shall issue without describing them, nor without probable cause, supported by oath or affirmation. Security from search and seizure.

§ 27. The right of trial by jury shall remain, but shall be deemed to be waived in all civil cases unless demanded by one of the parties, in such manner as shall be prescribed by law. Right of trial by jury.

§ 28. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than twelve men in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and have the assistance of counsel for his defence. Accused to have speedy trial, &c.

§ 29. No person, after acquittal upon the merits, shall be tried for the same offence; all persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason, when the proof is evident or the presumption great. Acquittal upon merits.

§ 30. Treason against the State shall consist only in levying war against [it,] or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of two witnesses to the same overt act, or on confession in open court. Treason.

§ 31. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted, nor shall witnesses be unreasonably detained. Bail, &c.

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**No person
compell'd to
testify a-
gainst him-
self.** § 32. No person shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty or property, without due process of law.

**Imprisonm't
for debt.** § 33. No person shall be imprisoned for debt arising out of or founded on a contract, express or implied, except in cases of fraud or breach of trust, or of moneys collected by public officers or in any professional employment. **Militia fines.** No person shall be imprisoned for a militia fine in time of peace.

**Competency
of witnesses.** § 34. No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.

**Style of pro-
ceeds.** § 35. The style of all process shall be: "In the name of the people of the State of Michigan."

ARTICLE VII.

ELECTIONS.

**Qualifica-
tion of elec-
tors.** § 1. In all elections every white male citizen, every white male inhabitant residing in the State on the twenty-fourth day of June, one thousand eight hundred and thirty-five; every white male inhabitant residing in this State on the first day of January, one thousand eight hundred and fifty, who has declared his intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding an election, or who has resided in this State two years and six months, and declared his intention as aforesaid, and every civilized male inhabitant of Indian descent, a native of the United States and not a member of any tribe, shall be an elector and entitled to vote: but no citizen or inhabitant shall be an elector, or entitled to vote at any election, unless he shall be above the age of twenty-one years, and has resided in this State three months, and in the township or ward in which he offers to vote, ten days next preceding such election.

**Votes to be
by ballot.** § 2. All votes shall be given by ballot, except for such township officers as may be authorized by law to be otherwise chosen.

**Privilege of
electors
from arrest.** § 3. Every elector, in all cases, except treason, felony, or breach of the peace, shall be privileged from arrest during his attendance at election, and in going to and returning from the same.

**From mili-
tia duty.** § 4. No elector shall be obliged to do militia duty on the day of election, except in time of war or public danger, or attend court as a suitor or witness.

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§ 5. No elector shall be deemed to have gained or lost a residence, Residence of electors. by reason of his being employed in the service of the United States, or of this State; nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any alms-house or other asylum at public expense; nor while confined in any public prison.

§ 6. Laws may be passed to preserve the purity of elections, and guard against abuses of the elective franchise. Purity of elections.

§ 7. No soldier, seaman, nor marine in the army or navy of the Soldiers, &c. not residents United States, shall be deemed a resident of this State, in consequence of being stationed in any military or naval place within the same.

§ 8. Any inhabitant who may hereafter be engaged in a duel, Duelling disqualifies from office and from elective franchise. either as principal, or accessory before the fact, shall be disqualified from holding any office under the constitution and laws of this State, and shall not be permitted to vote at any election.

ARTICLE VIII.

STATE OFFICERS.

§ 1. There shall be elected at each general biennial election a Sec- State officers elected. retary of State, a Superintendent of Public Instruction, a State Treasurer, a Commissioner of the Land Office, an Auditor General, and an Attorney General, for the term of two years. They shall keep their Where to keep their offices. offices at the seat of government, and shall perform such duties as may be prescribed by law.

§ 2. Their term of office shall commence on the first day of Janu- Term of office. ary, one thousand eight hundred and fifty-three, and of every second year thereafter.

§ 3. Whenever a vacancy shall occur in any of the State offices, Vacancy; how filled. the Governor shall fill the same by appointment, by and with the advice and consent of the Senate, if in session.

§ 4. The Secretary of State, State Treasurer, and Commissioner of the State Land Office shall constitute a board of State auditors to Board of S. Auditors. examine and adjust all claims against the State, not otherwise provided for by general law. They shall constitute a board of State Can- To be state canvassers. vassers to determine the result of all elections for Governor, Lieuten-

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and Governor and State officers, and of such other officers as shall by law be referred to them.

In case of a tie, legislature to make choice.

§ 5. In case two or more persons have an equal and the highest number of votes for any office, as canvassed by the board of State canvassers, the Legislature, in joint convention, shall choose one of said persons to fill such office. When the determination of the board of State canvassers is contested, the Legislature, in joint convention, shall decide which person is elected.

ARTICLE IX.

SALARIES.

Salaries.

§ 1. The Governor shall receive an annual salary of one thousand dollars; the Judges of the Circuit Court shall each receive an annual salary of one thousand five hundred dollars; the State Treasurer shall receive an annual salary of one thousand dollars; the Auditor General shall receive an annual salary of one thousand dollars; the Superintendent of Public Instruction shall receive an annual salary of one thousand dollars; the Secretary of State shall receive an annual salary of eight hundred dollars; the Commissioner of the Land Office shall receive an annual salary of eight hundred dollars; the Attorney General shall receive an annual salary of eight hundred dollars. They shall receive no fees or perquisites, whatever, for the performance of any duties connected with their offices. It shall not be competent for the Legislature to increase the salaries herein provided.

ARTICLE X.

COUNTIES.

Counties to be bodies corporate.

§ 1. Each organized county shall be a body corporate, with such powers and immunities as shall be established by law. All suits and proceedings, by or against a county, shall be in the name thereof.

Not to be reduced to less than sixteen townships.

§ 2. No organized county shall ever be reduced, by the organization of new counties, to less than sixteen townships, as surveyed by the United States, unless, in pursuance of law, a majority of electors residing in each county to be affected thereby shall so decide. The Legislature may organize any city into a separate county, when it has attained a population of twenty thousand inhabitants, without reference to geographical extent, when a majority of the electors of

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a county in which such city may be situated, voting thereon, shall be in favor of a separate organization.

§ 3. In each organized county there shall be a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, chosen by the electors thereof, once in two years, and as often as vacancies shall happen, whose duties and powers shall be prescribed by law. The board of supervisors in any county may unite the offices of county clerk and register of deeds in one office, or disconnect the same.

§ 4. The sheriff, county clerk, county treasurer, judge of probate and register of deeds, shall hold their offices at the county seat. Offices at Co. seat.

§ 5. The sheriff shall hold no other office, and shall be incapable of holding the office of sheriff longer than four in any period of six years. He may be required by law to renew his security from time to time, and in default of giving such security, his office shall be deemed vacant. Sheriff to hold no other office. The county shall never be responsible for his acts. To give security.

§ 6. A board of supervisors, consisting of one from each organized township, shall be established in each county, with such powers as shall prescribed by law. Board of supervisors.

§ 7. Cities shall have such representation in the board of supervisors of the counties in which they are situated, as the Legislature may direct. Cities to be represented in board.

§ 8. No county seat, once established, shall be removed, until the place to which it is proposed to be removed shall be designated by two-thirds of the board of supervisors of the county, and a majority of the electors voting thereon shall have voted in favor of the proposed location, in such manner as shall be prescribed by law. County seats; how removed.

§ 9. The board of supervisors of any county may borrow or raise by tax one thousand dollars, for constructing or repairing public buildings, highways or bridges; but no greater sum shall be borrowed or raised by tax for such purpose in any one year, unless authorized by a majority of the electors of such county voting thereon. Board of supervisors may borrow money for highways, &c.

§ 10. The board of supervisors, or, in the county of Wayne, the board of county auditors, shall have the exclusive power to prescribe and fix the compensation for all services rendered for, and to adjust all claims against, their respective counties; and the sum so fixed or defined shall be subject to no appeal. In county of Wayne.

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Board of supervisors to provide for laying out highways, &c.

§ 11. The board of supervisors of each organized county may provide for laying out highways, constructing bridges and organizing townships, under such restrictions and limitations as shall be prescribed by law.

ARTICLE XI.

TOWNSHIPS.

Township officers.

§ 1. There shall be elected annually, on the first Monday of April, in each organized township, one supervisor, one township clerk, who shall be ex-officio school inspector, one commissioner of highways, one township treasurer, one school inspector, not exceeding four constables, and one overseer of highways for each highway district, whose powers and duties shall be prescribed by law.

Townships to be bodies corporate.

§ 2. Each organized township shall be a body corporate, with such powers and immunities as shall be prescribed by law. All suits and proceedings by or against a township, shall be in the name thereof.

ARTICLE XII.

IMPEACHMENTS AND REMOVALS FROM OFFICE.

Impeachments.

§ 1. The House of Representatives shall have the sole power of impeaching civil officers for corrupt conduct in office, or for crimes and misdemeanors; but a majority of the members elected shall be necessary to direct an impeachment.

How tried.

§ 2. Every impeachment shall be tried by the Senate. When the Governor or Lieutenant Governor is tried, the Chief Justice of the Supreme Court shall preside. When an impeachment is directed, the Senate shall take an oath or affirmation truly and impartially to try and determine the same according to the evidence. No person shall be convicted without the concurrence of two-thirds of the members elected. Judgment, in case of impeachment, shall not extend further than removal from office; but the party convicted shall be liable to punishment according to law.

House to elect three members to prosecute.

§ 3. When an impeachment is directed, the House of Representatives shall elect from their own body three members, whose duty it shall be to prosecute such impeachment. No impeachment shall be tried until the final adjournment of the Legislature, when the Senate shall proceed to try the same.

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§ 4. No judicial officer shall exercise his office, after an impeachment is directed, until he is acquitted. Impeachment of judicial officer.

§ 5. The Governor may make a provisional appointment to a vacancy occasioned by the suspension of an officer, until he shall be acquitted, or until after the election and qualification of a successor. Vacancy; how filled.

§ 6. For reasonable cause, which shall not be sufficient ground for the impeachment of a judge, the Governor shall remove him on a concurrent resolution of two-thirds of the members elected to each house of the Legislature; but the cause for which such removal is required shall be stated at length in such resolution. Removal of judge.

§ 7. The Legislature shall provide by law for the removal of any officer elected by a county, township or school district, in such manner and for such cause as to them shall seem just and proper. Removal of certain officers.

ARTICLE XIII.

EDUCATION.

§ 1. The Superintendent of Public Instruction shall have the general supervision of public instruction, and his duties shall be prescribed by law. Education.

§ 2. The proceeds from the sales of all lands that have been or hereafter may be granted by the United States to the State, for educational purposes, and the proceeds of all lands or other property given by individuals or appropriated by the State for like purposes, shall be and remain a perpetual fund, the interest and income of which, together with the rents of all such lands as may remain unsold, shall be inviolably appropriated and annually applied to the specific objects of the original gift, grant or appropriation. School fund.

§ 3. All lands, the titles to which shall fail from a defect of heirs, shall escheat to the State; and the interest on the clear proceeds from the sales thereof, shall be appropriated exclusively to the support of primary schools. Escheats.

§ 4. The Legislature shall, within five years from the adoption of this constitution, provide for and establish a system of primary schools, whereby a school shall be kept without charge for tuition, at least three months in each year, in every school district in the State; and all instruction in said schools shall be conducted in the English language. Free schools

District
Schools.

§ 5. A school shall be maintained in each school district at least three months in each year. Any school district neglecting to maintain such school, shall be deprived for the ensuing year of its proportion of the income of the primary school fund, and of all funds arising from taxes for the support of schools.

Election of
Regents of
University.

§ 6. There shall be elected in each judicial circuit, at the time of the election of the judge of such circuit, a regent of the University, whose term of office shall be the same as that of such judge. The regents thus elected shall constitute the Board of Regents of the University of Michigan.

Regents
body corpo-
rate.

§ 7. The regents of the University, and their successors in office, shall continue to constitute the body corporate, known by the name and title of "the Regents of the University of Michigan."

President of
University.

§ 8. The regents of the University shall, at their first annual meeting, or as soon thereafter as may be, elect a President of the University, who shall be *ex officio* a member of their board, with the privilege of speaking but not of voting. He shall preside at the meetings of the regents, and be the principal executive officer of the University. The board of regents shall have the general supervision of the University, and the direction and control of all expenditures from the University interest fund.

Board of ed-
ucation.

§ 9. There shall be elected at the general election in the year one thousand eight hundred and fifty-two, three members of a State Board of Education, one for two years, one for four years, and one for six years; and at each succeeding biennial election there shall be elected one member of such board, who shall hold his office for six years. The Superintendent of Public Instruction shall be *ex officio* a member and secretary of such board. The board shall have the general supervision of the State Normal School, and their duties shall be prescribed by law.

Asylums.

§ 10. Institutions for the benefit of those inhabitants who are deaf, dumb, blind or insane, shall always be fostered and supported.

Agricultural
school.

§ 11. The Legislature shall encourage the promotion of intellectual, scientific and agricultural improvement; and shall, as soon as practicable, provide for the establishment of an agricultural school. The Legislature may appropriate the twenty-two sections of salt spring lands now unappropriated, or the money arising from the sale of the

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same, where such lands have been already sold, and any land which may hereafter be granted or appropriated for such purpose, for the support and maintenance of such school, and may make the same a branch of the University for instruction in agriculture and the natural sciences connected therewith, and place the same under the supervision of the Regents of the University.

§ 12. The Legislature shall also provide for the establishment of at least one library in each township; and all ~~fine~~ assessed and collected in the several counties and townships for any breach of the penal laws, shall be exclusively applied to the support of such libraries.

Town Libraries.

ARTICLE XIV.

FINANCE AND TAXATION.

§ 1. All specific State taxes, except those received from the mining companies of the upper peninsula, shall be applied in paying the interest upon the primary school, university and other educational funds, and the interest and principal of the State debt, in the order herein recited, until the extinguishment of the State debt, other than the amounts due to educational funds, when such specific taxes shall be added to, and constitute a part of the primary school interest fund. The Legislature shall provide for an annual tax, sufficient, with other resources, to pay the estimated expenses of the State Government, the interest of the State debt, and such deficiency as may occur in the resources.

Specific taxes.

§ 2. The Legislature shall provide by law a sinking fund of at least twenty thousand dollars a year, to commence in eighteen hundred and fifty-two, with compound interest at the rate of six per cent per annum, and an annual increase of at least five per cent, to be applied solely to the payment and extinguishment of the principal of the State debt, other than the amounts due to educational funds, and shall be continued until the extinguishment thereof. The unfunded debt shall not be funded or redeemed at a value exceeding that established by law in one thousand eight hundred and forty-eight.

Sinking fund.

§ 3. The State may contract debts to meet deficits in revenue. Such debts shall not in the aggregate at any one time exceed fifty thousand dollars. The moneys so raised shall be applied to the purposes for which they were obtained, or to the payment of the debts so contracted.

State may contract debts, &c.

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To repel in-
vasions.

§ 4. The State may contract debts to repel invasion, suppress insurrection, or defend the State in time of war. The money arising from the contracting of such debts shall be applied to the purposes for which it was raised, or to repay such debts.

Money; how
paid out.

§ 5. No money shall be paid out of the treasury except in pursuance of appropriations made by law.

State credit,
etc.

§ 6. The credit of the State shall not be granted to or in aid of, any person, association or corporation.

Scrip not to
be issued.

§ 7. No scrip, certificate or other evidence of State indebtedness shall be issued, except for the redemption of stock previously issued, or for such debts as are expressly authorized in this constitution.

State not to
subscribe,
stock.

§ 8. The State shall not subscribe to, or be interested in, the stock of any company, association or corporation.

Not to en-
gage in in-
ternal im-
provement.

§ 9. The State shall not be a party to, or interested in, any work of internal improvement, nor engaged in carrying on any such work, except in the expenditure of grants to the State of land or other property.

To collect
specific tax.

§ 10. The State may continue to collect all specific taxes accruing to the treasury under existing laws. The Legislature may provide for the collection of specific taxes, from banking, rail road, plank road and other corporations hereafter created.

Uniform rate
of taxation.

§ 11. The Legislature shall provide an uniform rule of taxation, except on property paying specific taxes, and taxes shall be levied on such property as shall be prescribed by law.

Assessments

§ 12. All assessments hereafter authorized shall be on property at its cash value.

Equalization

§ 13. The Legislature shall provide for an equalization by a State board, in the year one thousand eight hundred and fifty-one, and every fifth year thereafter, of assessments on all taxable property, except that paying specific taxes.

Laws impos-
ing taxes.

§ 14. Every law which imposes, continues or revives a tax, shall distinctly state the tax, and the object to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.

ARTICLE XV.

CORPORATIONS.

§ 1. Corporations may be formed under general laws; but shall

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not be created by special act, except for municipal purposes. All laws passed pursuant to this section may be altered, amended or repealed. How formed

§ 2. No banking law or law for banking purposes, or amendments thereof, shall have effect until the same shall, after its passage, be submitted to a vote of the electors of the State, at a general election, and be approved by a majority of the votes cast thereon at such election. Banking law to be submitted to people.

§ 3. The officers and stockholders of every corporation or association for banking purposes, issuing bank notes or paper credits to circulate as money, shall be individually liable for all debts contracted during the time of their being officers or stockholders of such corporation or association. Individual liability.

§ 4. The Legislature shall provide by law for the registry of all bills or notes issued or put in circulation as money, and shall require security to the full amount of notes and bills so registered, in State or United States stocks, bearing interest, which shall be deposited with the State Treasurer, for the redemption of such bills or notes in specie. Registry of bills.

§ 5. In case of the insolvency of any bank or banking association, the bill holders thereof shall be entitled to preference in payment over all other creditors of such bank or association. Bill holders entitled to preference.

§ 6. The Legislature shall pass no law authorizing or sanctioning the suspension of specie payments by any person, association or corporation. Suspension

§ 7. The stockholders of all corporations and joint stock associations shall be individually liable for all labor performed for such corporation or association. Liability.

§ 8. The Legislature shall pass no law altering or amending any act of incorporation heretofore granted, without the assent of two-thirds of the members elected to each house; nor shall any such act be renewed or extended. This restriction shall not apply to municipal corporations. Amendment &c.

§ 9. The property of no person shall be taken by any corporation for public use without compensation being first made or secured, in such manner as may be prescribed by law. Property; how taken.

§ 10. No corporation, except for municipal purposes, or for the construction of railroads, plank roads and canals, shall be created for a longer time than thirty years. Term of corporation.

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Constructive
of term "cor-
poration."

§ 11. The term "corporations," as used in the preceding sections of this article, shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations, not possessed by individuals or partnerships. All corporations shall have the right to sue, and be subject to be sued, in all courts, in like cases as natural persons.

Limitation.

§ 12. No corporation shall hold any real estate hereafter acquired, for a longer period than ten years, except such real estate as shall be actually occupied by such corporation in the exercise of its franchises.

Cities and
villages.

§ 13. The Legislature shall provide for the incorporation and organization of cities and villages, and shall restrict their powers of taxation, borrowing money, contracting debts and loaning their credit.

Election of
judicial off-
icers.

§ 14. Judicial officers of cities and villages shall be elected, and all other officers shall be elected or appointed, at such time and in such manner as the Legislature may direct.

Private pro-
perty; how
taken.

§ 15. Private property shall not be taken for public improvements in cities and villages without the consent of the owner, unless the compensation therefor shall first be determined by a jury of freeholders, and actually paid or secured in the manner provided by law.

Notice for
charter.

§ 16. Previous notice of any application for an alteration of the charter of any corporation shall be given in such manner as may be prescribed by law.

ARTICLE XVI.

EXEMPTIONS.

Amount.

§ 1. The personal property of every resident of this State, to consist of such property only as shall be designated by law, shall be exempted to the amount of not less than five hundred dollars from sale on execution or other final process of any court issued for the collection of any debt contracted after the adoption of this constitution.

Homestead.

§ 2. Every homestead of not exceeding forty acres of land, and the dwelling-houses thereon, and the appurtenances to be selected by the owner thereof, and not included in any town plat, city or village; or instead thereof, at the option of the owner, any lot in any city, village, or recorded town plat, or such parts of lots as shall be equal

thereto, and the dwelling-house thereon, and its appurtenances, owned and occupied by any resident of the State, not exceeding in value fifteen hundred dollars, shall be exempt from forced sale on execution or any other final process from a court, for any debt contracted after the adoption of this constitution. Such exemption shall not extend to any mortgage thereon lawfully obtained; but such mortgage or other alienation of such land, by the owner thereof, if a married man, shall not be valid without the signature of the wife to the same.

§ 3. The homestead of a family, after the death of the owner thereof, shall be exempt from the payment of his debts contracted after the adoption of this constitution, in all cases, during the minority of his children.

§ 4. If the owner of a homestead die, leaving a widow, but no children, the same shall be exempt, and the rents and profits thereof shall accrue to her benefit during the time of her widowhood, unless she be the owner of a homestead in her own right.

§ 5. The real and personal estate of every female, acquired before marriage, and all property to which she may afterwards become entitled, by gift, grant, inheritance or devise, shall be^{Estate of females.} and remain the estate and property of such female, and shall not be liable for the debts, obligations or engagements of her husband; and may be devised or bequeathed by her as if she were unmarried.

ARTICLE XVII.

MILITIA.

§ 1. The militia shall be composed of all able-bodied white male citizens, between the ages of eighteen and forty-five years, except^{Of whom composed.} such as are exempted by the laws of the United States or of this State; but all such citizens of any religious denomination whatever, who, from scruples of conscience, may be averse to bearing arms, shall be excused therefrom, upon such conditions as shall be prescribed by law.

§ 2. The Legislature shall provide by law for organizing, equipping and disciplining the militia, in such manner as they shall deem expedient, not incompatible with the laws of the United States.

§ 3. Officers of the militia shall be elected or appointed, and be commissioned in such manner as may be provided by law.^{Officers; how elected.}

ARTICLE XVIII.

MISCELLANEOUS PROVISIONS.

Oath § 1. Members of the Legislature, and all officers, executive and judicial, except such officers as may by law be exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of this State, and that I will faithfully discharge the duties of the office of according to the best of my ability." And no other oath, declaration or test shall be required as a qualification for any office or public trust.

Private property for public use.

§ 2. When private property is taken for the use or benefit of the public, the necessity for using such property, and the just compensation to be made therefor, except when to be made by the State, shall be ascertained by a jury of twelve freeholders, residing in the vicinity of such property, or by not less than three commissioners, appointed by a court of record, as shall be prescribed by law.

Mechanical trades in S. prison.

§ 3. No mechanical trade shall hereafter be taught to convicts in the State prison of this State, except the manufacture of those articles of which the chief supply for home consumption is imported from other States or countries.

Navigable streams.

§ 4. No navigable stream in this State shall be either abridged or dammed without authority from the board of supervisors of the proper county, under the provisions of law. No such law shall prejudice the right of individuals to the free navigation of such streams, or preclude the State from the further improvement of the navigation of such streams.

Public moneys.

§ 5. An accurate statement of the receipts and expenditures of the public moneys shall be attached to and published with the laws at every regular session of the Legislature.

Laws, &c., to be in English language

§ 6. The laws, public records, and the written judicial and Legislative proceedings of the State, shall be conducted, promulgated and preserved in the English language.

Right to bear arms.

§ 7. Every person has a right to bear arms for the defence of himself and the State.

Military, &c.

§ 8. The military shall, in all cases, and at all times, be in strict subordination to the civil power.

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§ 9. No soldier shall, in time of peace, be quartered in any house ^{Soldiers not to be quartered in private house.} without the consent of the owner or occupant, nor in time of war except in a manner prescribed by law.

§ 10. The people have the right peaceably to assemble together, ^{Right of petition.} to consult for the common good, to instruct their Representatives, and to petition the Legislature for redress of grievances.

§ 11. Neither slavery, nor involuntary servitude, unless for the ^{Slavery prohibited.} punishment of crime, shall ever be tolerated in this State.

§ 12. No lease or grant hereafter of agricultural land for a longer ^{Leases.} period than twelve years, reserving any rent or service of any kind, shall be valid.

§ 13. Aliens who are, or who may hereafter become *bona fide* resi- ^{Aliens may hold property.} dents of this State, shall enjoy the same rights in respect to the possession, enjoyment and inheritance of property, as native born citizens.

§ 14. The property of no person shall be taken for public use, ^{Private property.} without just compensation therefor. Private roads may be opened in the manner to be prescribed by law; but in every case the necessities of the road and the amount of all damage to be sustained by the opening thereof, shall be first determined by a jury of freeholders; ^{Private roads.} and such amount, together with the expenses of proceedings, shall be paid by the person or persons to be benefitted.

§ 15. No general revision of the laws shall hereafter be made. ^{Revision of laws.} When a re-print thereof becomes necessary, the Legislature in joint convention shall appoint a suitable person to collect together such acts and parts of acts as are in force, and without alteration, arrange them under appropriate heads and titles. The laws so arranged shall be submitted to two commissioners appointed by the Governor for examination, and if certified by them to be a correct compilation of all general laws in force, shall be printed in such manner as shall be prescribed by law.

ARTICLE XIX.

UPPER PENINSULA.

§ 1. The counties of Mackinac, Chippewa, Delta, Marquette, ^{Upper peninsula.} Schoolcraft, Houghton and Ontonagon, and the islands and territory thereunto attached, the islands of Lake Superior, Huron and Michigan, and in Green Bay, and the straits of Mackinac and the River Ste Marie, shall constitute a separate judicial district, and be entitled to a district judge and district attorney.

Dist. judge. § 2. The district judge shall be elected by the electors of such district, and shall perform the same duties and possess the same powers as a circuit judge in his circuit, and shall hold his office for the same period.

Attorney. § 3. The district attorney shall be elected every two years by the electors of the district, shall perform the duties of prosecuting attorney throughout the entire district, and may issue warrants for the arrest of offenders in cases of felony, to be proceeded with as shall be prescribed by law.

Senators & representatives. § 4. Such judicial district shall be entitled at all times to at least one Senator, and until entitled to more by its population, it shall have three members of the House of Representatives, to be apportioned among the several counties by the Legislature.

Compensation of judge § 5. The Legislature may provide for the payment of the district judge a salary not exceeding one thousand dollars a year, and of the district attorney not exceeding seven hundred dollars a year; and may allow extra compensation to the members of the Legislature from such territory, not exceeding two dollars a day during any session.

Election; when to take place. § 6. The elections for all district or county officers, State Senator or Representatives, within the boundaries defined in this article, shall take place on the last Tuesday of September in the respective years in which they may be required. The county canvass shall be held on the first Tuesday in October thereafter, and the district canvass on the last Tuesday of said October.

Taxes. § 7. One-half of the taxes received into the treasury from mining corporations in the Upper Peninsula paying an annual State tax of one per cent, shall be paid to the treasurers of the counties from which it is received, to be applied for township and county purposes, as provided by law. The Legislature shall have power, after the year one thousand eight hundred and fifty-five, to reduce the amount to be refunded.

State prison may be removed. § 8. The Legislature may change the location of the State Prison from Jackson to the Upper Peninsula.

Mining companies. § 9. The charters of the several mining corporations may be modified by the Legislature, in regard to the term limited for subscribing to stock, and in relation to the quantity of land which a corporation shall hold; but the capital shall not be increased, nor the time for the existence of charters extended. No such corporation shall be

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permitted to purchase or hold any real estate, except such as shall be necessary for the exercise of its corporate franchises.

ARTICLE XX.

AMENDMENT AND REVISION OF THE CONSTITUTION.

§ 1. Any amendment or amendments to this constitution may be ^{Amendment} proposed in the Senate or House of Representatives. If the same shall be agreed to by two-thirds of the members elected to each house, such amendment or amendments shall be entered on their journals respectively, with the yeas and nays taken thereon; and the same shall be submitted to the electors at the next general election thereafter, and if a majority of the electors qualified to vote for members of the Legislature voting thereon, shall ratify and approve such amendment or amendments, the same shall become part of the constitution.

§ 2. At the general election to be held in the year one thousand eight hundred and sixty-six, and in each sixteenth year thereafter, and also at such other time as the Legislature may by law provide, the question of a general revision of the constitution shall be submitted to the electors qualified to vote for members of the Legislature; and in case a majority of the electors so qualified, voting at such election, shall decide in favor of a convention for such purpose, the Legislature, at the next session, shall provide by law for the election of delegates to such convention. All the amendments shall take effect at the commencement of the political year after their adoption. 1866.

SCHEDULE.

That no inconvenience may arise from the changes in the constitution of this State, and in order to carry the same into complete operation, it is hereby declared, that

§ 1. The common law and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or are altered or repealed by the Legislature. Common & statute law to remain in force.

§ 2. All writs, actions, causes of action, prosecutions and rights of individuals and of bodies corporate, and of the State, and all charters of incorporation, shall continue; and all indictments which shall have been found, or which may hereafter be found, for any crime or offence committed before the adoption of this constitution, may be proceeded upon as if no change had taken place. The several courts, except as herein otherwise provided, shall continue with the like pow- Writs, actions, &c. to be proceeded in.

em. and jurisdiction, both at law and in equity, as if this constitution had not been adopted, and until the organization of the judicial department under this constitution.

Fines, &c. § 3. That all fines, penalties, forfeitures and escheats accruing to the State of Michigan under the present constitution and laws, shall accrue to the use of the State under this constitution.

Recognizances, &c. § 4. That all recognizances, bonds, obligations, and all other instruments entered into or executed before the adoption of this constitution, to the people of the State of Michigan, to any State, county or township, or any public officer or public body, or which may be entered into or executed under existing laws, "to the people of the State of Michigan," to any such officer or public body, before the complete organization of the departments of government under this constitution, shall remain binding and valid; and rights and liabilities upon the same shall continue, and may be prosecuted as provided by law. And all crimes and misdemeanors and penal actions, shall be tried, punished and prosecuted, as though no change had taken place, until otherwise provided by law.

Governor & Lt. governor § 5. A Governor and Lieutenant Governor shall be chosen under the existing constitution and laws, to serve after the expiration of the term of the present incumbent.

Officers to hold office. § 6. All officers, civil and military, now holding any office or appointment, shall continue to hold their respective offices, unless removed by competent authority, until superceded under the laws now in force, or under this constitution.

Senators & representatives to hold office. § 7. The members of the Senate and House of Representatives of the Legislature of one thousand eight hundred and fifty-one, shall continue in office under the provisions of law, until superceded by their successors elected and qualified under this constitution.

County officers to hold office. § 8. All county officers, unless removed by competent authority, shall continue to hold their respective offices until the first day of January, in the year one thousand eight hundred and fifty-three. The laws now in force as to the election, qualification and duties of township officers, shall continue in force until the Legislature shall, in conformity to the provisions of this constitution, provide for the holding of elections to fill such offices, and prescribe the duties of such officers respectively.

Term. § 9. On the first day of January, in the year one thousand eight

hundred and fifty-two, the terms of office of the judges of the supreme court under existing laws, and of the judges of the county courts, and of the clerks of the supreme court, shall expire on the said day.

§ 10. On the first day of January, in the year one thousand eight hundred and fifty-two, the jurisdiction of all suits and proceedings then pending in the present supreme courts, shall become vested in the supreme court established by this constitution, and shall be finally adjudicated by the court where the same may be pending. The jurisdiction of all suits and proceedings at law and equity, then pending in the circuit courts and county courts for the several counties, shall become vested in the circuit court of the said counties, and district court for the upper peninsula.

§ 11. The probate courts, the courts of justices of the peace and the police court authorized by an act entitled "An act to establish a police court in the city of Detroit," approved April second, one thousand eight hundred and fifty, shall continue to exercise the jurisdiction and powers now conferred upon them respectively, until otherwise provided by law.

Probate and justices' courts to exercise jurisdiction.

§ 12. The office of State Printer shall be vested in the present incumbent until the expiration of the term for which he was elected under the law then in force; and all the provisions of the said law relating to his duties, rights, privileges and compensation, shall remain unimpaired and inviolate until the expiration of his said term of office.

State printer

§ 13. It shall be the duty of the Legislature, at their first session, to adapt the present laws to the provisions of this constitution, as far as may be.

Duty of legislature of 1861

§ 14. The Attorney General of the State is required to prepare and report to the Legislature, at the commencement of the next session, such changes and modifications in existing laws as may be deemed necessary to adapt the same to this constitution, and as may be best calculated to carry into effect its provisions; and he shall receive no additional compensation therefor.

Duty of Attorney Genl.

§ 15. Any territory attached to any county for judicial purposes, if not otherwise represented, shall be considered as forming part of such county, so far as regards elections for the purpose of representation.

Territory, &c.

§ 16. This constitution shall be submitted to the people for their adoption or rejection, at the general election to be held on the first

Constitution to be submitted to people.

Tuesday of November, one thousand eight hundred and fifty; and there shall also be submitted for adoption or rejection, at the same time, the separate resolution in relation to the elective franchise; and it shall be the duty of the Secretary of State, and all other officers required to give or publish any notice in regard to the said general election, to give notice, as provided by law in case of an election of Governor, that this constitution has been duly submitted to the electors at said election. Every newspaper within this State publishing in the month of September next, this constitution as submitted, shall receive as compensation therefor, the sum of twenty-five dollars, to be paid as the Legislature shall direct.

Qualificat'n
of electors.

§ 17. Any person entitled to vote for members of the Legislature, by the constitution and laws now in force, shall, at the said election, be entitled to vote for the adoption or rejection of this constitution, and for or against the resolution separately submitted, at the places and in the manner provided by law for the election of members of the Legislature.

Ballot box.

§ 18. At the said general election, a ballot box shall be kept by the several boards of inspectors thereof, for receiving the votes cast for or against the adoption of this constitution; and on the ballots shall be written or printed, or partly written and partly printed, the words "Adoption of the constitution—yes;" or "Adoption of the constitution—no."

Canvass.

§ 19. The canvass of the votes cast for the adoption or rejection of this constitution, and the provision in relation to the elective franchise separately submitted, and the returns thereof, shall be made by the proper canvassing officers, in the same manner as now provided by law for the canvass and return of the votes cast at an election for Governor, as near as may be, and the return thereof shall be directed to the Secretary of State. On the sixteenth day of December next, or within five days thereafter, the Auditor General, State Treasurer and Secretary of State shall meet at the capitol, and proceed, in presence of the Governor, to examine and canvass the returns of the said votes, and proclamation shall forthwith be made by the Governor of the result thereof. If it shall appear that a majority of the votes cast upon the question have thereon "Adoption of the constitution—yes," this constitution shall be the supreme law of the State from and after the first day of January, one thousand eight

hundred fifty-one, except as is herein otherwise provided; but if a majority of the votes cast upon the question have thereon "Adoption of the constitution—no," the same shall be null and void. And in case of the adoption of this constitution, said officers shall immediately, or as soon thereafter as practicable, proceed to open the statements of votes returned from the several counties for judges of the supreme court and State officers under the act entitled "An act to amend the revised statutes and to provide for the election of certain officers by the people in pursuance to an amendment of the constitution, approved February sixteenth, one thousand eight hundred and fifty," and shall ascertain, determine and certify the results of the election for said officers under said acts, in the same manner, as near as may be, as is now provided by law in regard to the election of Representatives in Congress. And the several judges and officers so ascertained to have been elected, may be qualified and enter upon the duties of their respective offices on the first Monday of January next, or as soon thereafter as practicable.

§ 20. The salaries or compensation of all persons holding office Salaries. under the present constitution shall continue to be the same as now provided by law, until superseded by their successors elected or appointed under this constitution; and it shall not be lawful hereafter for the Legislature to increase or diminish the compensation of any officer during the term for which he is elected or appointed.

§ 21. The Legislature, at their first session, shall provide for the payment of all expenditures of the convention to revise the constitution and of the publication of the same as is provided in this article. Expenditures of convention; how paid.

§ 22. Every county, except Mackinaw and Chippewa, entitled to a representative in the Legislature, at the time of the adoption of this constitution, shall continue to be so entitled under this constitution; and the county of Saginaw, with the territory that may be attached, shall be entitled to one representative; the county of Tuscola, and the territory that may be attached, one representative; the county of Sanilac, and the territory that may be attached, one representative; the counties of Midland and Aronac, with the territory that may be attached, one representative; the county of Montcalm, with the territory that may be attached thereto, one representative; and the counties of Newaygo and Oceana, with the territory that may be attached thereto, one representative. Each county having a ratio of Representative districts

representation and a fraction over, equal to a moiety of said ratio, shall be entitled to two representatives, and so on above that number, giving one additional member for each additional ratio.

Cases pend-
ing in chan-
cery.

§ 23. The cases pending and undisposed of in the late court of chancery at the time of the adoption of this constitution, shall continue to be heard and determined by the judges of the supreme court. But the Legislature shall, at its session in one thousand eight hundred and fifty-one, provide by law, for the transfer of said causes that may remain undisposed of on the first day of January, one thousand eight hundred and fifty-two, to the supreme or circuit court established by this constitution, or require that the same may be heard and determined by the circuit judges.

Term of of-
fice of Gov.
and Lt. Gov.

§ 24. The term of office of the Governor and Lieutenant Governor shall commence on the first day of January next after their election.

Upper Pe-
ninsula.

§ 25. The territory described in the article entitled "Upper Peninsula," shall be attached to and constitute a part of the third circuit for the election of a Regent of the University.

Dist. judge.

§ 26. The Legislature shall have authority after the expiration of the term of office of the district judge first elected for the "Upper Peninsula," to abolish said office of district judge and district attorney, or either of them.

Legislature
of 1861; its
duties.

§ 27. The Legislature shall, at its session of one thousand eight hundred and fifty-one, apportion the Representatives among the several counties and districts, and divide the State into Senate districts, pursuant to the provisions of this constitution.

Terms of S.
and Co. off-
cers.

§ 28. The terms of office of all State and county officers, of the circuit judges, members of the board of education, and members of the Legislature, shall begin on the first day of January next succeeding their election.

State divid'd
into 8 judi-
cial circuits.

§ 29. The State, exclusive of the Upper Peninsula, shall be divided into eight judicial circuits, and the counties of Monroe, Lenawee and Hillsdale shall constitute the first circuit; the counties of Branch, St. Joseph, Cass and Berrien shall constitute the second circuit; the county of Wayne shall constitute the third circuit; the counties of Washtenaw, Jackson and Ingham shall constitute the fourth circuit; the counties of Calhoun, Kalamazoo, Allegan, Eaton and Van Buren shall constitute the fifth circuit; [the] counties of St. Clair, Macomb, Oakland and Sanilac shall constitute the sixth circuit; the counties of Lapeer, Genesee, Saginaw, Shiawassee, Livingston, Tuscola and Midland shall constitute the seventh circuit; and the counties of Barry, Kent, Ottawa, Ionia, Clinton and Montcalm shall constitute the eighth circuit.

Done in Convention, at the Capitol of the State, this fifteenth day of August, in the year of our Lord one thousand eight hundred and fifty, and of the Independence of the United States the seventy-fifth.

D. GOODWIN, *President*.

LAWS OF MICHIGAN.

[No. 1.]

AN ACT to extend the time for the collection of Taxes in the township of Jackson in the county of Jackson.

Section 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the township of Jackson in the county of Jackson, for the year eighteen hundred and fifty, be and the same is hereby extended to the first Monday of March, eighteen hundred and fifty-one. Time extended.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could do in the life-time of his warrant, and to make his return at any time on or before the first Monday of March next; and said warrant is hereby revived and continued in full force and virtue, for the purpose aforesaid, until the said first Monday of March next. Duty of Treasurer.

Sec. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the the life-time of his warrant, as is now provided by law, and renew his official bond to the satisfaction of the treasurer of said county. Ibid.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer, in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed Unpaid taxes; how returned.

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from the same time, as other taxes for the year eighteen hundred and fifty, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take effect immediately.

Approved February 8, 1851.

[No. 2.]

AN ACT to extend the time for the collection of Taxes in the township of Niles in the county of Berrien.

Time extended. Section 1. *The People of the State of Michigan enact,* That the time for the collection of taxes in the township of Niles in the county of Berrien, for the year eighteen hundred and fifty, be and the same is hereby extended to the first Monday of March, eighteen hundred and fifty-one.

Duty of Treasurer. Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could do in the life-time of his warrant, and to make his return at any time on or before the first Monday of March next; and said warrant is hereby renewed and continued in full force and virtue for the purposes aforesaid, until the said first Monday in March next.

Ibid. Sec. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the life-time of his warrant, as is now provided by law, and renew his official bond to the satisfaction of the treasurer of said county.

Unpaid taxes; how returned. Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time as other taxes for the year eighteen hundred and fifty, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take effect immediately.

Approved February 8, 1851.

[No. 3.]

AN ACT to extend the time for the collection of Taxes for the year eighteen hundred and fifty, in the township of St. Clair in the county of St. Clair.

Section 1. *The People of the State of Michigan enact,* That the

time for the collection of taxes in the township of St. Clair in the county of St. Clair, for the year eighteen hundred and fifty, is hereby ^{Time extended.} extended until the first Monday of March, eighteen hundred and fifty-one.

Sec. 2. The collector of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could do in the life-time of his warrant, and make his return at any time on or before the first Monday of March next; and the said warrant is hereby continued in full force and virtue for the purpose aforesaid, until the first Monday in March next. ^{Duty of collector.}

Sec. 3. It shall be the duty of the collector of said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the life-time of his warrant, as is now prescribed by law, and to renew his official bond to the satisfaction of the treasurer of said county. ^{Ibid.}

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable; and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time as other taxes for the year eighteen hundred and fifty, duly returned to the Auditor General for non-payment. ^{Transcript unpaid taxes; how returned.}

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved February 10, 1851.

[No. 4.]

AN ACT to extend the time for the collection of taxes in the city of Detroit, for the year eighteen hundred and fifty.

Section 1. *The people of the State of Michigan enact*, That the time for the collection of the State and county taxes in the city of Detroit, for the year eighteen hundred and fifty, is hereby ^{Time extended.} extended until the first Monday of April next.

Sec. 2. The collectors of the several wards of said city are hereby authorized to proceed and collect said taxes as fully as they might have done during the life time of their warrants for that purpose, and ^{Duty of collectors.}

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to make their returns on or before the first Monday in April next; and said warrants are continued in full force for said purpose until said time.

Ibid.

Sec. 3. It shall be the duty of the several collectors aforesaid, before they shall be entitled to the benefits of this act, to pay over all moneys collected during the life time of their warrants, as now provided by law, and to renew their official bonds to the satisfaction of the treasurer of the county of Wayne.

Transcript
unpaid taxes;
how re-
turned.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time as other taxes for the year eighteen hundred and fifty, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved February 12, 1851.

[No. 5.]

AN ACT relative to postage.

Section 1. *The people of the State of Michigan enact*, That the post master at Lansing be and he is hereby authorized to charge to the State the postage on all mail matter received by members and officers of this Legislature, and that this act shall take effect from and after its passage.

Approved February 13, 1851.

[No. 6.]

AN ACT to provide for the better security of public records.

Public rec-
ords.

Section 1. *The people of the State of Michigan enact*, That all books, papers or records belonging or in any wise appertaining to the offices of clerk, treasurer, register of deeds or judge of probate, of the several counties, and also all books, papers or records belonging or in any wise appertaining to the offices of the several township and school

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district officers of this State, are hereby declared to be public property, belonging to the people of the State of Michigan, to be used and preserved by the respective officers aforesaid, during their continuance in office; and any person or persons who shall wilfully carry away, mutilate or destroy any of such books, papers, records, or any part of the same; and any person or persons who shall retain and continue to hold the possession of any books, papers, records or parts thereof, belonging to the aforesaid offices of clerk, treasurer, register of deeds or judge of probate of the several counties, or to the offices of the several township and school district officers of this State, and shall refuse to deliver up said books, papers, records, or parts thereof, to the proper officer having charge of the office to which the said books, papers or records belong, upon demand being made by such officer, shall be deemed guilty of a misdemeanor, and Penalty for mutilating. upon conviction thereof before any court of record of this State, shall be fined at the discretion of the court, or imprisoned in the county jail until he shall deliver such books, papers, records, or parts thereof, to the proper officers having charge of the office to which they belong, or be otherwise discharged according to law.

Sec. 2. This act shall take effect immediately.

Approved February 19, 1851.

[No. 7.]

AN ACT to provide for holding terms of the circuit court in the county of Sanilac.

Section 1. *The people of the State of Michigan enact*, That two terms of the circuit court be held in the county of Sanilac during Terms. the present year, at such times as shall be hereafter appointed.

Sec. 2. The circuit judge of the fourth circuit, within twenty days after the passage of this act, is hereby authorized and required to appoint the times of holding the terms of the circuit court in the county of Sanilac, required by the preceding section, and transmit Duty of circuit judge. to the county clerk of said county of Sanilac, a copy of such appointment, which shall be filed and preserved by such clerk; and said clerk shall cause such appointment to be published once in each week for three successive weeks in the St. Clair Observer, a paper

published in the county of St. Clair; the last publication to be at least twenty days prior to the holding of such court.

Sec. 3. This act shall take effect immediately.

Approved February 20, 1861.

[No. 3.]

AN ACT to provide for the collection of taxes in the county of Kent.

Board of supervisors;
duty of.

Section 1. *The People of the State of Michigan enact*, That the board of supervisors of the county of Kent are hereby authorized to make an assessment roll for the city of Grand Rapids.

Ibid.

Sec. 2. That, for the purpose aforesaid, the said board are authorized to divide the assessment rolls of the town of Walker and the town of Grand Rapids, now before said board, and to detach from said rolls the descriptions of such parcels of property, with the valuation thereof, as lie within the incorporated limits of the city of Grand Rapids.

Corrected rolls to be certified & delivered to supervisors.

Sec. 3. The chairman of the said board of supervisors is hereby authorized to make and append to the assessment roll of the city of Grand Rapids, made as hereinbefore provided, and to the assessment rolls of all the several townships in the said county of Kent, the certificate provided for in section twenty-six of chapter twenty of title five of the revised statutes of eighteen hundred and forty-six; and the rolls aforesaid, thus certified, shall thereupon be delivered to the supervisor of the city of Grand Rapids and the supervisors of the said townships respectively.

Apportionment.

Sec. 4. The board of supervisors aforesaid are hereby authorized to ascertain and determine the amount of money to be raised by tax for county and State purposes, and to make the apportionment thereof provided for in section twenty-nine of the chapter aforesaid.

Certificate to be made by clerk.

Sec. 5. The clerk of said board of supervisors is hereby authorized to make the certificates, and to do the other acts by him to be done, according to the provisions of section thirty of the chapter aforesaid.

Duty of supervisors.

Sec. 6. The supervisor of the city of Grand Rapids, and the supervisors of the several townships in the county of Kent, are hereby authorized to make the assessments and to do the other acts required

to be done by the said supervisors in section thirty-one of the aforesaid chapter.

Sec. 7. The supervisor of the city of Grand Rapids and the supervisor of each township in the said county of Kent, are hereby authorized, on or before the tenth day of March next, to notify the marshal of the city of Grand Rapids, and the several treasurers of the aforesaid townships, of the amount of State and county tax apportioned to said city and townships respectively, and such marshal and treasurers, on or before the twentieth day of March next, shall severally give to the county treasurer and his successors in office, a bond of the amount, character and condition prescribed in section thirty-two of the aforesaid chapter.

Notice to marshal and treasurers.

Treasurer's bond, &c.

Sec. 8. The county treasurer of the said county of Kent is hereby authorized and required to file and safely keep the aforesaid bonds, and thereupon to do such other acts as are required to be done by him in section thirty-three of the chapter aforesaid; and the marshal of the city of Grand Rapids, and the treasurers of the several townships of said county of Kent, shall deliver to their respective supervisors, on or before the twenty-fifth day of March next, the receipt required in said section thirty-three.

Treasurer to file bonds.

Sec. 9. The several supervisors of the said county, after the delivery of such receipts, and on or before the first day of April next, are hereby authorized to deliver copies of their assessment rolls, with the warrant thereto annexed, to the collector of his city or township, in the manner and to the effect prescribed in sections thirty-four and thirty-five of the chapter aforesaid, and the said warrants shall be made returnable on or before the twelfth day of May next.

When supervisors to deliver assessment rolls to collectors.

Sec. 10. The marshal of the city of Grand Rapids, and the treasurers of the several townships of the county of Kent now in office, shall continue and remain in the discharge of the duties of said office, for the purpose only of collecting the rolls aforesaid, and making the returns thereof prescribed by law; and the said marshal and the township treasurers aforesaid shall proceed in making the said collection and returns according to the provisions of said chapter twenty, title one of the revised statutes of eighteen hundred and forty-six, in relation to the collection and return of taxes, so far as they are applicable.

Duty of marshal and treasurers.

Sec. 11. A transcript of all unpaid taxes returned to the county

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Transcript
of unpaid
taxes; how
returned.

treasurer, in pursuance of the provisions of the aforesaid chapter, shall be returned to the Auditor General on or before the first day of June next, and such unpaid taxes shall be collected in the same manner and with interest computed from the same time as other taxes for the year eighteen hundred and fifty, duly returned to the Auditor General for non-payment.

Sec. 12. This act shall take effect immediately.

Approved February 20, 1851.

[No. 9.]

AN ACT to authorize the assessment of certain taxes in the township of Ransom, county of Hillsdale.

Authority
of board of
supervisors.

Section 1. *The People of the State of Michigan enact,* The board of supervisors of the county of Hillsdale are hereby authorized to add to the amount of the State and county tax apportioned to the township of Ransom in said county, for the year eighteen hundred and fifty-one, the amount of the State and county tax apportioned to that township for the year eighteen hundred and fifty, and one year's interest thereon.

Duty of su-
pervisor of
town of
Ransom.

Sec. 2. The supervisor of said township of Ransom, in assessing the taxes certified to him by the board of supervisors for the year eighteen hundred and fifty-one, shall include in his assessment the State and county tax apportioned to that township for the year eighteen hundred and fifty, and one year's interest thereon.

Approved February 22, 1851.

[No. 10.]

AN ACT to authorize the assessment of certain taxes in the township of Baltimore in the county of Barry.

Authority
of board of
supervisors

Section 1. *The People of the State of Michigan enact,* The board of supervisors of the county of Barry are hereby authorized to add to the State and county tax apportioned to the township of Baltimore, in said county, in the year eighteen hundred and fifty-one, the amount of the State and county tax apportioned to said township for the year eighteen hundred and fifty, and one year's interest thereon.

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Sec. 2. The supervisor of said town of Baltimore, in assessing the taxes certified to him by the board of supervisors for the year eighteen hundred and fifty-one, shall include in the assessment the State and county tax apportioned to that township for the year eighteen hundred and fifty, and one year's interest thereon.

Duty of supervisor of town of Baltimore.

Sec. 3. This act shall take effect immediately.

Approved February 22, 1851.

[No. 11.]

AN ACT authorizing the Board of State Auditors to examine and settle the claim of the Detroit and Birmingham plank road Company.

Section 1. *The People of the State of Michigan enact*, That the Board of State Auditors are hereby authorized and required to examine, audit and allow the claim of the Detroit and Birmingham plank road company, for tax paid the State in error, in eighteen hundred and fifty, on such terms as they shall deem just and reasonable.

Sec. 2. This act shall take effect immediately.

Approved March 3, 1851.

[No. 12.]

AN ACT to amend an act entitled an act authorizing Sandy McLeod to build a dam across the Cheboygan river, in the county of Cheboygan.

Section 1. *The People of the State of Michigan enact*, That section two of an act entitled an act to authorize Sandy McLeod to build a dam across the Cheboygan river in the county of Cheboygan, be amended so that the same shall read as follows:

Sec. 2 of act amended.

"Sec. 2. The said dam shall not exceed eight feet above common low water mark, and shall contain a convenient slide or sluice, for the passage of logs; and the owners thereof shall, whenever the board of supervisors of Cheboygan county shall so order, within a reasonable time, place in said dam a convenient lock, not less than eighteen feet wide and one hundred feet in length, for the passage of boats, barges and other water craft, navigating said river; the owners

Description of dam, lock &c.

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ers of said dam shall keep said lock in good repair, and it shall be so constructed as to receive such boats and other water craft in slack water, of sufficient depth below said dam, and to pass them to slack water of sufficient depth above said dam, for all the purposes of navigation of said river, at all times."

Act repealed.

Sec. 2. An act entitled an act authorizing Alexander McLeod to construct a canal from the river Cheboygan to Lake Huron, approved March twenty-second, eighteen hundred and forty-eight, is hereby repealed.

Sec. 3. The Legislature reserves the right at any time to alter, amend or repeal this act.

Sec. 4. This act shall take effect immediately.

Approved March 3, 1851.

[No. 13.]

AN ACT to repeal an act entitled an act to provide for Statistical Information, approved April 3, 1848.

Section 1. *The People of the State of Michigan enact*, That act number two hundred and seventy-four of the session laws of eighteen hundred and forty-eight, entitled an act to provide for statistical information, approved April third, eighteen hundred and forty-eight, be and the same is hereby repealed.

Sec. 2. This act shall take effect immediately.

Approved March 8, 1851.

[No. 14.]

AN ACT to amend an act to incorporate the Genesee county plank road company.

Act amended.

Section 1. *The People of the State of Michigan enact*, That the Genesee county plank road company may erect a toll gate whenever the road shall be completed from the village of Flint to the township line of the township of Grand Blanc; and if the right to construct said plank road through the township of Grand Blanc, on the line of the Saginaw turnpike, shall be obtained in accordance with the provisions of an act relative to plank roads, approved March thirteenth,

eighteen hundred and forty-eight, it shall be the duty of said plank road company, within ninety days after obtaining such consent, to complete so much of said road as would have authorized said company to have erected a toll gate under the act last mentioned.

Sec. 2. The act entitled an act to amend an act entitled an act to incorporate the Genesee plank road company, approved April second, eighteen hundred and fifty, is hereby repealed. Act repealed.

Sec. 3. This act shall take effect immediately.

Approved March 8, 1851.

[No. 15.]

AN ACT to repeal an act to prevent the circulation of Foreign Notes, approved April 3, 1848.

Section 1. *The People of the State of Michigan enact*, That an act to prevent the circulation of foreign notes, approved April third, eighteen hundred and forty-eight, be and the same is hereby repealed.

Sec. 2. This act shall take effect immediately.

Approved March 8, 1851.

[No. 16.]

AN ACT authorizing the Board of State Auditors to examine and settle the claim of Nancy J. Gould, administratrix upon the estate of Austin M. Gould, deceased.

Section 1. *The People of the State of Michigan enact*, That the Board of State Auditors are hereby authorized and required to examine, audit and settle the claim of Nancy J. Gould, administratrix upon the estate of Austin M. Gould, late of the county of Washtenaw, deceased, for the value of a certain press purchased by the said Austin M. Gould, deceased, during his life-time, for the use of the Supreme Court of this State, while acting as clerk thereof. Also for the services and expenses of the said Austin M. Gould, deceased, in and about the removal of the books and papers in said office, to the village of Jackson from Ann Arbor, upon the removal of said court from the last to the former mentioned place, and for assisting in as-

sorting and putting up said books and papers in the new clerk's office at Jackson, aforesaid.

Sec. 2. This act shall take effect immediately.

Approved March 8, 1851.

[No. 17.]

AN ACT supplementary to an act entitled an act to incorporate the Jackson and Michigan Plank Road Company, approved April 3, 1848.

Company
may issue
bonds; a-
mount, &c.

Section 1. *The People of the State of Michigan enact*, That for the purpose of providing means for the construction and completion of the plank road of the Jackson and Michigan plank road company, and its buildings and equipments, the said company may issue its corporate bonds or obligations for such amounts, not exceeding in the aggregate the sum of twenty thousand dollars, and in such form as it may deem proper, and payable at such times and places in this State, upon such terms and with such rates of interest (not exceeding ten per cent per annum) as the board of directors of said company may determine, with the approval of the holders of a majority of the stock of such company; and may secure the payment of the whole or any portion of said bonds or obligations by mortgage of the road or other property of said company: *Provided*, No such bond or obligation shall be issued for a less sum than one hundred dollars.

Previous.

And said company may sell, dispose of and negotiate such bonds or obligations, either within or without this State, at such rates, for such prices and on such terms as said company may determine; and in case said bonds or obligations or any of them shall be thus sold, disposed of or negotiated at a discount, said sale, disposal or negotiation shall be as valid and effectual as if said bonds or obligations had been sold, disposed of or negotiated at their par value; and said bonds or obligations shall be valid and binding as a security for the whole sum payable by the terms thereof, in the same manner as if they had been sold, disposed of or negotiated at their par value:

Previous.

Provided, That none of such bonds or obligations shall be sold at less than par without the consent of the holders of three-fourths of the stock of said company.

Sec. 2. For all or any of the purposes aforesaid, said company may create and issue shares of guarantied stock, to be denominated "construction stock," to such an amount as it may determine, not to exceed (with the original stock subscribed to the capital of said company) the amount of their capital stock allowed by law; which construction stock shall be entitled to such dividend and be payable at such place and in such manner and with such preference or priority over the remaining stock of said company in the payment of dividends, as the directors of said company may determine, and as shall be approved by the holders of three-fourths of the stock of said company, at their annual meeting, or any special meeting called for the purpose of taking into consideration the propriety of issuing such stock; and the holders of such construction stock and their representatives shall be entitled to vote and have an equal voice in the management of the affairs of said company, with the holders of an equal amount of the original stock of said company: *Provided*, That no such construction stock shall be authorized to be issued at any meetings of said company, unless previous notice of such meeting and the intention of submitting that question shall have been published at least six weeks in the newspapers printed in the villages of Jackson and Eaton Rapids.

Sec. 3. This act shall take effect immediately; and said company shall be entitled to its benefits and be subject to its provisions whenever they shall file their acceptance of the same in writing, signed by the president and secretary of said company, under its corporate seal, in the office of the Secretary of State: *Provided*, Such acceptance shall be so filed within six months from the passage of this act.

Approved March 8, 1851.

[No. 18.]

AN ACT to amend sections one and two of act number ninety-six, entitled an act to authorize the building of a certain dam therein named, approved March thirty-first, eighteen hundred and forty.

Section 1. *The people of the State of Michigan enact*, That sections one and two of act number ninety-six, entitled an act to authorize the building of a certain dam therein named, approved March

Construction stock.

Provide.

Acceptance of act, where filed.

Provide.

Sec. 1 and 2 of act No. 96, of 1848, amended

thirty-first, eighteen hundred and forty, be amended by adding to section one as follows, to wit:

"Sec. 1. *And provided further*, They shall build and maintain therein a good and sufficient lock, not less than sixty feet in length, and sixteen feet in width, for the passage of rafts, saw logs, boats, canoes and other craft."

Sec. 2. By adding to section two, after the word "dam," in the second line of said section, the words "or locks;" so that said sections shall read as follows, to wit:

Dam authorized.
to revise
 "Sec. 1. That Sheldon Judson, Lewis Nicholson, Nathan Judson, and Benjamin Barrett, their heirs and assigns, be and they are hereby authorized and empowered to build a dam across the outlet of Bear Lake, near its intersection with Lake Muskegon, on the north-west quarter of section number twenty-three, in township number ten north, of range number seventeen west, in the county of Ottawa: *Provided*, That said dam shall not exceed eight feet above the common low water mark: *And provided further*, They shall build and maintain therein a good and sufficient lock, not less than sixty feet in length and sixteen feet in width, for the passage of rafts, saw logs, boats, canoes and other water craft.

Liability for trespass.
 "Sec. 2. Any person who shall destroy or in any wise injure said dam or lock, shall be deemed to have committed a trespass on the owners thereof, and shall be liable accordingly."

Sec. 3. This act shall take effect from and after its passage.

Sec. 4. The Legislature may at any time alter or amend this act.

Approved March 8, 1851.

[No. 19.]

AN ACT to amend section one of act number one hundred and nine, entitled an act to incorporate the Marshall and Ionia plank road company, approved March 20, 1850.

Sec. 1 of act No. 109, of 1851, amended.

Section 1. *The People of the State of Michigan enact*, That section one of said act is hereby amended by inserting at the beginning of the third line thereof, the names following, to wit: "W. J. Squier, W. R. Martin;" so that said section when amended shall read as follows, to wit:

"Sec. 1. *The People of the State of Michigan enact, That Isaac E. Cray, H. J. Lawrence, W. J. Squier, W. R. Martin, John C. Ball, James M. Kidd and William Babeock, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Marshall and Ionia plank road company; and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Marshall and Ionia plank road company, with corporate succession.*"

Approved March 8, 1851.

[No. 20.]

AN ACT to amend sections one and three of an act entitled an act to incorporate the Corunna and Saginaw Plank Road Company, approved April 3, 1848, and to amend section one of an act to amend an act entitled an act to incorporate the Corunna and Saginaw Plank Road Company, approved April 2, 1850.

Section 1. *The People of the State of Michigan enact, That section one of an act to incorporate the Corunna and Saginaw plank road company, approved April third, eighteen hundred and forty-eight, shall be amended by striking out the word "and," in the fourth line of said section, and inserting after the word "Cooper," in said fourth line, the words "Gardner D. Williams, James Fraser, Charles S. Kimberly and Daniel Eaton;" also that section three of the same act be amended by striking out the word "fifty" and inserting "seventy," in the first line, and add between the words "thousand" and "shares," the words "eight hundred;" so that sections one and three shall read as follows:*

Sec. 1 of act
No. 335, of
1850, amended.

"Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That Isaac Castle, Alexander McArcher, Ransom W. Hawley, Luke H. Parsons, Ebenezer C. Kimberly, Gardner D. Williams, James Fraser, Charles S. Kimberly and Daniel Eaton, be and are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Corunna and Saginaw plank road company; and the*

Incorporation.

subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Corunna and Saginaw plank road company, with corporate succession."

Capital.

"Sec. 3. The capital stock of said company shall be seventy thousand dollars, in two thousand eight hundred shares of twenty-five dollars each."

Sec. 1 of act
335, of 1850,
amended.

That section one of an act to amend an act entitled an act to incorporate the Corunna and Saginaw plank road company, approved April second, eighteen hundred and fifty, be and the same is hereby amended by striking out the word "two," in the sixth and seventh lines, and inserting "three," so that said section will read as follows:

Time extended.

"Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the time in which it was necessary for the Corunna and Saginaw plank road company, under and by virtue of the act of incorporation, approved April third, eighteen hundred and forty-eight, to commence the construction of said road, is hereby extended for three years from the passage of this act; and the said company shall, within three years from the passage of this act, commence the construction of said road, and expend ten per cent of the capital stock of said company; they shall be entitled to all the rights and privileges secured in said act of incorporation, as fully as if they had commenced said road, and made such expenditures within the time specified in said act of incorporation."

Route.

And the said Corunna and Saginaw plank road company shall have the power to extend their said road (and construct and maintain all necessary buildings and toll-gates) from the east end of the upper ferry on the Saginaw river, opposite Saginaw city, to the bend of the Cass river, in Saginaw county, so as to intersect at that point the Saginaw and Genesee plank road, and to take possession of so much of the Detroit and Saginaw turnpike road, so-called, as may be necessary for the construction of said road: *Provided*, That during the construction of said road, the said company shall in no wise prevent or improperly obstruct the travel: *Provided further*, That nothing herein contained shall be construed as conveying any or further right in such road than the State, as such, possesses.

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Sec. 2. This act shall take effect immediately.

Approved March 8, 1851.

[No. 21.]

AN ACT to provide for the organization of certain townships in the county of Tuscola.

Section 1. *The People of the State of Michigan enact*, That township ten north of range seven east, and the north half of townships ten north of ranges eight, nine, ten and eleven east, be and the same are hereby set off from the township of Tuscola, in the county of Tuscola, and organized into a separate township, by the name of Arbela, and the first township meeting for the election of township officers shall be held at the house now occupied by Simeon Newton in said township.

Township
of Arbela
organized.

Sec. 2. That townships number twelve, thirteen and fourteen, north of ranges seven and eight east, and township fifteen, north of range eight east, be and the same are hereby set off from the township of Tuscola, in the county of Tuscola, and organized into a separate township by the name of Rogers, and the first township meeting for the election of township officers shall be held at the house now occupied by Levi Rogers in said township.

Township
of Rogers
organized.

Sec. 3. That township eleven north of range eight east, and townships eleven, twelve, thirteen and fourteen, north of ranges nine, ten and eleven east, be and the same are hereby set off from the township of Tuscola, in the county of Tuscola, and organized into a separate township by the name of Vassar, and the first township meeting for the election of township officers shall be held at the house now occupied by Townsend North in said township.

Township
of Vassar
organized.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 8, 1851.

[No. 22.]

AN ACT to amend sections two and three of an act entitled "an act to incorporate the Copper Falls Mining Company," approved March fifteen, eighteen hundred and forty-eight.

Section 1. *The People of the State of Michigan enact*, That sec.

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Sec. 2 of act
No. 74, of
1848, amended.

tion two of an act entitled "an act to incorporate the Copper Falls Mining Company," approved March fifteen, eighteen hundred and forty-eight, be and the same is hereby amended by striking out in the third line thereof, the words "one hundred," and substituting the word "thirty;" so that said section shall read:

Capital.

"Sec. 2. The said company shall have corporate succession; its capital stock shall be three hundred thousand dollars, divided into shares of thirty dollars each; and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan as shall be necessary for the exercise of its corporate franchises."

Sec. 3 of act
No. 74, of
1848, amended.

Sec. 2. That section three of the act to which this act is amendatory, be and the same is hereby amended so as to read:

Officers.

"Sec. 3. The officers of said company shall consist of a president, a board of five directors, including the president, who shall be one thereof, a secretary and treasurer, who may, however, at the pleasure of the company, be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company, by its by-laws, may prescribe: *Provided*, That one of the directors shall at all times be a citizen and resident of the State of Michigan, upon whom services of all process against said company may be made, and such service shall be deemed a valid service as against the said Copper Falls Mining Company: *And provided further*, That said company shall at all times be subject to such general laws as are now in force, or may hereafter be passed, in reference to the commencement and prosecution of suits, and the service of legal process against corporations."

Proviso.

Subject to
general
laws.

Sec. 3. Should the said company adopt the modification in this act contemplated, a statement of their acceptance of the terms of such modification shall, within twenty days after the adoption thereof, be filed in the office of the Secretary of State, and the same shall be conclusive on and control said company.

Approved March 8, 1851.

[No. 23.]

AN ACT to amend section two of an act entitled an act to incorporate the Portland and Lansing Plank Road Company.

Section 1. *The people of the State of Michigan enact*, That section

two of an act entitled an act to incorporate the Portland and Lansing Plank Road Company, approved April third, eighteen hundred and forty-eight, be and the same is hereby amended by adding to said section, at the end thereof, as follows: "and to take possession of so much of the Detroit and Grand River road, so called, as lays between the village of Lansing and Portland, and proceed to construct and maintain thereon a plank road: *Provided*, That during the construction of said plank road, the said company shall in no wise prevent or improperly obstruct the travel: *Provided further*, That nothing herein contained shall be construed as conveying any or further right in said Grand River road than the State, as such, possesses;" so that the section, as amended, will read as follows:

"Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Portland, in the county of Ionia, to the town of Michigan, in the county of Ingham, and to take possession of so much of the Detroit and Grand river road, so called, as lays between the village of Lansing and Portland, and proceed to construct and maintain thereon a plank road: *Provided*, That during the construction of said plank road, the said company shall in no wise prevent or improperly obstruct the travel: *Provided further*, That nothing herein contained shall be construed as conveying any or further right in such road than the State, as such, possesses."

Sec. 2. This act shall take effect immediately.

Approved March 8, 1851.

[No. 24.]

AN ACT to amend sections one, five and eight of an act to incorporate the city of Detroit Gas Company, and to change the title of said company to that of the Detroit Gas Light Company.

Section 1. *The People of the State of Michigan enact*, That section one of an act to incorporate the city of Detroit Gas Company, approved March fourteen, eighteen hundred and forty-nine, be and the same is hereby amended so as to read as follows:

"Sec. 1. That said persons above named, who have signed said articles of association, and all such other persons as have or shall be-

Incorporation. some stockholders, and associated with them for said purpose, and their successors or assigns, shall be and are hereby constituted and declared to be a body politic and corporate, under the name and style of the Detroit Gas Light Company, for the object and purposes contemplated and stated in the above preamble, for the period of forty-eight years from and after the passage of this act: *Provided always*, That within the period of three years they commence operations, and continue the same with all reasonable dispatch."

Proviso.

Sec. 5 amended. Sec. 2. That section five of said act be and the same is hereby amended, so as to read as follows:

Time of beginning operations. "Sec. 5. Unless the said corporation shall have established their manufactory, and so far progressed therewith as to begin supplying gas to some portions of the city within four years from the passage of this act, this act shall cease and become null and void."

Sec. 3. The Legislature may at any time alter, amend or repeal this act, or the act to which this is amendatory.

Acceptance of act, where filed. Sec. 4. This act shall take effect immediately, and said company shall be entitled to its benefits, and subject to its provisions, whenever they shall accept the same, and their acceptance in writing, signed and certified to by the president or secretary of said company, shall be filed in the office of the Secretary of State: *Provided*, Such acceptance is filed within sixty days from the passage of this act.

Approved March 8, 1851.

[No. 25.]

AN ACT to provide for the election of Circuit Judges and Regents of the University.

Election. Section 1. *The People of the State of Michigan enact*, That an election shall be held on the first Monday in April, one thousand eight hundred and fifty-one, and every sixth year thereafter, in each of the judicial circuits into which, under the revised constitution and schedule thereto, and laws, the State is divided, by the electors thereof, of one Circuit Judge and one Regent of the University, who shall hold their offices respectively for the term of six years, and until their successors are elected and qualified.

Officers.

Term.

Sec. 2. The inspectors of elections in the several townships and

wards in cities throughout the State, are hereby required to prepare a ballot box to receive all ballots that may be offered at such election for Circuit Judge and Regent of the University, both of which officers shall be voted for on one ballot. Duties of inspectors.

Sec. 3. The Secretary of State shall, immediately after the passage of this act, transmit to the sheriff of each county included within the several judicial circuits of this State, a notice in writing, containing a brief statement of the contents of this act, and he shall cause a copy of this act to be published in such newspapers within the several judicial circuits as he may deem proper, once in each week from the date of the notice till the election aforesaid. Duty of secretary of State.

Sec. 4. The sheriffs of the several counties, on receiving the notice hereby provided for, shall forthwith, in writing, notify the township clerk of each township, and one of the inspectors of election of each ward in any city, of such election; and it shall be the duty of the township clerks and inspectors of election receiving said notice, to give eight days' notice, except for the election in eighteen hundred and fifty-one, in writing, under their hands respectively, to the electors of the township or ward, of the time and place of holding such election, by posting the same up in at least three public places in the township or ward. Duty of sheriffs.

Sec. 5. The election provided for by this act shall be conducted in the same manner as by existing laws is provided for the holding of a general election; and the inspectors of elections shall make the same canvass, statement and returns, and they are hereby invested with the same powers and authority as are provided by the election laws of this State for a general election. Canvass & statement.

Sec. 6. The county canvass for the several Circuit Judges and Regents of the University, shall be on the second Tuesday succeeding the election, and shall be conducted in all respects in the same manner, and returns shall be made in the same manner and within the same time as is provided by existing laws for the canvass of Representatives to Congress; but the county clerks of the several counties shall transmit one of the certified copies of the statement of votes to the State Treasurer, instead of the Auditor General. County canvass, when held.

Sec. 7. The Secretary of State, State Treasurer, and Commissioner of the State Land Office, shall constitute the board of State canvassers, and they are hereby authorized and required to proceed in Statement, where returned. Board of State canvassers.

the canvass and determination of the election of the several Circuit Judges and Regents of the University, in the same manner and within similar periods of time, as near as may be, as is provided by law.

Their duty. for the canvass of the election of Representatives to Congress, and shall transmit similar notices to the persons declared to be elected to the offices of Circuit Judge and Regent of the University in the several judicial districts: *Provided*, That the board of State canvassers shall not determine the result of the election for a Regent of the University in the county of Wayne, until after the receipt of the several statements of votes given for a Regent of the University in the upper peninsula; provided such statement shall be received before the third Tuesday of November next ensuing, when said board shall proceed to canvass and determine the election of such Regent, as in other cases.

Commencement of term.

Sec. 8. The officers elected under the provisions of this act, shall enter upon the discharge of their respective duties on the first day of January succeeding their election.

Oath to be tendered to persons challenged.

Sec. 9. If any person offering to vote shall be challenged as unqualified, by any inspector or any elector qualified to vote at that poll, the chairman of the board of inspectors shall declare to the person challenged the constitutional qualifications of an elector, and if such person shall state that he is a qualified elector, and the challenge shall not be withdrawn, one of the inspectors shall tender to him such of the following oaths as he may claim to contain the grounds of his qualifications to vote:

Oath or affirmation.

1st. "You do solemnly swear [or affirm] that you are twenty-one years of age, that you are a citizen of the United States, that you have resided in this State three months and in this township (or ward, as the case may be,) ten days next preceeding this election, and that you have not voted at this election;" or

Ibid.

2d. "You do solemnly swear [or affirm] that you are twenty-one years of age, that you resided in this State on the twenty-fourth day of June, one thousand eight hundred and thirty-five, that you have resided in this State three months and in this township (or ward, as the case may be,) ten days next preceeding this election, and that you have not voted at this election;" or

3d. "You do solemnly swear [or affirm] that you are twenty-one

years of age, that you resided in this State on the first day of January, one thousand eight hundred and fifty, that you have declared your intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding this election, that you have resided in this State three months and in this township (or ward, as the case may be,) ten days next preceding this election, and that you have not voted at this election;" or

4th. "You do solemnly swear [or affirm] that you are twenty-one years of age, that you have resided in this State two years and six months next preceding this election, that you have declared your intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding this election, that you have resided in this township (or ward, as the case may be,) ten days next preceding this election, and that you have not voted at this election;" or

5th. "You do solemnly swear [or affirm] that you are twenty-one years of age, that you are a native of the United States, that you are of Indian descent and do not belong to any tribe, that you have resided in this State three months and in this township (or ward, as the case may be,) ten days next preceding this election, and that you have not voted at this election."

If such person so challenged will take either of the above oaths, his vote shall be received; but, if such person shall therein swear falsely, upon conviction thereof, he shall be liable to the pains and penalties of perjury. Penalty for swearing falsely.

Sec. 10. This act shall take effect immediately.

Approved March 10, 1851.

[No. 26.]

AN ACT to provide for the discharge of the duties heretofore performed by Masters in Chancery.

Section 1. *The People of the State of Michigan enact*, That from and after the passage of this act, the several circuit court commissioners shall, within their respective counties, be competent to discharge all such duties as have heretofore been performed by masters in chancery in this State, according to the practice in chancery proceedings, and all such other powers as shall be conferred upon them by the several circuit courts according to law, and shall be

Circuit court com. may discharge certain duties.

amenable to the circuit courts within the jurisdiction and under the orders of which respectively they may act: *Provided however*, That testimony to be used before any circuit court in chancery may be taken before a justice of the peace, if the parties interested, their agents or attorneys, shall enter into a stipulation to that effect in writing, and file the same with the clerk of the proper county.

Sec. 2. Any circuit court commissioner may be suspended by the circuit judge of his county, from the exercise of the powers and duties of his office, in cases of misconduct therein, after due notice and a full opportunity of making his defence shall have been given him; and the circuit judge of the county shall immediately report such suspension, with the reasons therefor, to the Governor, who may remove him from office.

Sec. 3. In all cases wherein, since the passage of this law, any reference or matter of business whatsoever was pending and unfinished before any master in chancery of this State, under a decree or order in chancery, or of any court according to law, such court may, by a special order, authorize the transfer of such reference or matter of business to either of the circuit court commissioners of the proper county, who shall proceed in the completion and determination of such matters so transferred, and whose acts in the premises shall be as legal and valid as if the matter had been commenced and wholly proceeded with before such circuit court commissioner.

Sec. 4. Whenever there shall be no circuit court commissioner in any county, or no circuit court commissioner in such county who is not solicitor or counsel in any suit or matter, or otherwise interested, or unable to act in such suit or matter, upon a sufficient showing of such absence, interest or disability, the circuit judge of the county may, by special order, authorize any notary public of the county, being an attorney at law, to perform the required duties in all things concerning such suit or matter.

Sec. 5. Each circuit court commissioner, before entering on the performance of the duties by this act prescribed, and within ten days after he shall have been officially notified of the passage thereof, shall execute a bond to the people of this State, with sufficient surety or sureties, to be approved by the circuit judge, or clerk of his county, conditioned for the faithful performance of the duties required of

him by this act, in the penal sum of not less three thousand and not more than five thousand dollars, in the discretion of the circuit judge or county clerk by whom the same may be approved. Said bond^{Penalty of bond.} when approved, shall be filed with the county clerk of the proper county^{Bond, where filed.}.

Sec. 6. If any such bond shall become forfeited by a breach of its conditions, the circuit judge of his county shall direct it to be prosecuted, and the moneys recovered shall be applied, under the direction of the court, for the indemnity of the persons injured by such breach, in proportion to the amount of their respective losses. Any circuit court commissioner shall renew his bond whenever required so to do by the circuit judge of his county.^{Penalty for forfeiture of bond.}

Sec. 7. If a vacancy occur in the office of circuit court commissioner, by death, resignation, removal from office, ceasing to reside in the proper county, conviction of an infamous crime, or refusal or neglect to deposit the bond prescribed in this act, the Governor may fill such vacancy for the remainder of the unexpired term.^{Vacancy, how filled.}

Sec. 8. It shall be the duty of the Secretary of State, immediately after the passage of this act, to transmit to each of the county clerks and circuit court commissioners of the State, a copy thereof, which shall be an official notification of the provisions of the same.^{Duty of Secretary of State.}

Sec. 9. That all from section forty-eight to section fifty-eight, both inclusive, of chapter ninety-five, title twenty-one of the revised statutes of eighteen hundred and forty-six, and all acts and parts of acts contravening the provisions of this act, be and the same are hereby repealed.^{Repeal.}

Sec. 10. This act shall take effect and be in force from and after its passage.

Approved March 10, 1851.

[No. 27.]

AN ACT to authorize the Auditor General to issue certain land Warrants.

Section 1. *The People of the State of Michigan enact*, That the Auditor General be and he is hereby authorized to issue land warrants upon the commissioner of the State Land Office, to C. D. W.^{Aud. Gen. authorized to issue certain land warrants.}

LAWS OF MICHIGAN.

Gibson for the amount of certificate number twenty-six, issued to said Gibson by Chauncey L. Crouse, special commissioner under "an act appropriating certain internal improvement lands for the improvement of a State road in the counties of Livingston and Genesee," approved March twenty-third, eighteen hundred and forty-eight, the time for presentation of which warrant expired on the fifteenth day of September, eighteen hundred and fifty.

Sec. 2. Before said warrants shall be issued, the certificate of said commissioner shall be presented and delivered to the Auditor General; and said warrants shall continue in force for two years from the fifteenth day of September, A. D. eighteen hundred and fifty, and no longer.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 11, 1851.

[No. 28.]

AN ACT to amend an act entitled an act to incorporate the Algonquin Mining Company, approved March 30, 1848.

Sec. 2 of act
No. 147 of
1848, amended.

Section 1. *The People of the State of Michigan enact, That section two of an act to incorporate the Algonquin mining company, approved March thirtieth, eighteen hundred and forty-eight, be and the same is hereby amended so as to read as follows:*

Capital,

Company
may hold
real estate.

"Sec. 2. The said company shall have corporate succession, and its capital stock shall be one hundred and fifty thousand dollars, divided into shares of fifteen dollars each; and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan as the business of the company may require, to an amount not exceeding the capital stock of said company: *Provided, That said company shall not be permitted to purchase or hold any real estate except such as shall be necessary for the exercise of its corporate franchises.*"

Sec. 3 amended.

Sec. 2. That section three of the act to which this act is amendatory be and the same is hereby amended so as to read as follows:

"Sec. 3. The officers of said company shall consist of a president, a board of directors, of whom the president shall be one, a secretary

and treasurer, who may, at the pleasure of the company, be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company may by its by-laws prescribe: *Provided*, That one of the directors of said company shall at all times be a citizen and resident of the State of Michigan, upon whom service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said Algonquin mining company; and said company shall at all times be subject to all the general laws of the State in reference to the commencement and prosecution of suits and the service of legal process."

Assessments

Service of process, how made.

Sec. 3. The said company shall not be entitled to any of the benefits of this act, unless such company shall have been duly organized under the act to which this is amendatory, before the passage of this act.

Condition of benefits of this act

Sec. 4. The said company shall not be entitled to any of the benefits of this act, unless within six months after the passage of this act a certificate, signed by the president and a majority of the directors of said company, shall be filed in the office of the Secretary of State of the State of Michigan, setting forth that said company have accepted of and assented to all the provisions of this act.

Certificate of acceptance, where filed.

Approved March 11, 1851.

[No. 29.]

AN ACT to amend an act entitled an act to incorporate the Siskowit Mining Company of Michigan, approved March 12, 1849:

Section 1. *The People of the State of Michigan enact*, That section one of an act to incorporate the Siskowit Mining Company of Michigan, approved March twelfth, eighteen hundred and forty-nine, be and the same is hereby amended by striking out in the eighth line thereof, the words "upon the island of Isle Royal," so that said section shall read as follows:

Sec. 1 of act No. 76 of 1849, amended.

"Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Clement March, David H. Hall, Royal C. Wightman, Charles Whittlesey, James G. Clark and Au-

Incorporators.

- Purpose of incorporation.** gustine L. McCrea, and others who shall be associated with them, are hereby constituted a body corporate, by the name of the Siskowiet Mining Company of Michigan, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of Michigan: *Provided*, That nothing in this act contained shall confer on said company any powers of banking or brokerage, exchange, dealing in money, purchasing any stock of any bank, or for any other purposes than those herein particularly specified."
- Powers limited.** Sec. 2. That said act be amended by adding at the end of section two of the same, the following: "*Provided*, That said company shall not be permitted to purchase or hold any real estate except such as shall be necessary for the exercise of its corporate franchises, and not exceeding one-half of their capital stock;" so that said section shall read as follows:
- Sec. 2 amended.** "Sec. 2. The said company shall have corporate succession; its capital stock shall be two hundred thousand dollars, divided into ten thousand shares of twenty dollars each; and said company may acquire and hold such real and personal estate as the business of said company may require, to an amount not exceeding the capital stock: *Provided*, That said company shall not be permitted to purchase or hold any real estate except such as shall be necessary for the exercise of its corporate franchises."
- Capital stock.** Sec. 3. That section three of the act to which this act is amendatory be and the same is hereby amended, so as to read as follows:
- Company may hold real estate.** "Sec. 3. The officers of said company shall consist of a president, a board of five directors, (each owning in his own right not less than twenty shares of stock,) of whom the president shall be one, a secretary and treasurer, who may, at the pleasure of the company, be one and the same person. And the said company may by its officers, levy assessments on the shares of its stock, and forfeit and sell the said shares for non-payment of any such assessment, in such manner as their by-laws shall prescribe: *Provided*, That one of said directors shall be a resident of the State of Michigan, and upon whom service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said Siskowiet Mining Company; and that until the first annual meeting of said company after its organization under this act, Clement March,
- Restrictions.**
- Officers.**
- Assessments.**
- Service of process, how made.**

David A. Hall, of Washington, District of Columbia, James G. Clark, of Philadelphia, Charles Whittlesey, of Michigan, and Augustine L. McCrea, of Wisconsin, continue, and they and their successors are expressly constituted directors of said company, and shall have and exercise all the powers, and be subject to all duties and restrictions imposed on the directors to be chosen under this act; and said company shall at all times be subject to such general laws as are now in force, or may hereafter be passed in reference to the commencement and prosecution of suits and the service of legal process against corporations."

Sec. 4. That section nine of the act to which this act is amendatory, be and the same is hereby amended so as to read as follows:

Sec. 9 amended.

"Sec. 9. This act shall take effect and be in force for thirty years from and after its passage, and the Legislature may at any time alter, amend or repeal this act for a violation of the provisions thereof."

Duration of charter.

Sec. 5. The said company shall not be entitled to any of the benefits of this act, unless, within six months after the passage of this act, a certificate signed by the president and a majority of the directors of said company, shall be filed in the office of the Secretary of State of the State of Michigan, setting forth that said company have accepted of and assented to all the provisions of this act.

Certificate of acceptance, where filed.

Approved March 11, 1851.

[No. 30.]

AN ACT to amend an act entitled an act to incorporate the Bohemian Mining Company, approved March 27, 1848.

Section 1. *The People of the State of Michigan enact*, That section two of an act to incorporate the Bohemian mining company, approved March twenty-seventh, eighteen hundred and forty-eight, be and the same is hereby amended so as to read as follows:

Sec. 2 of act No. 115 of 1848, amended.

"Sec. 2. The said company shall have corporate succession; its capital stock shall be two hundred and fifty thousand dollars, divided into shares of fifteen dollars each; and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan as the business of the company may require, to an amount not exceeding the capital stock of said company: *Provided*, That said

Capital stock.

Company may hold real estate.

company shall not be permitted to purchase or hold any real estate except such as shall be necessary for the exercise of its corporate franchises."

Sec. 3 amended.

Sec. 2. That section three of the act to which this act is amendatory, be and the same is hereby amended so as to read as follows:

Officers.

"Sec. 3. The officers of said company shall consist of a president, a board of five directors, of whom the president shall be one, a secretary and treasurer, who may, at the pleasure of the company, be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company may by its laws prescribe: *Provided*, That one of the directors of said company shall at all times be a citizen and resident of the State of Michigan, upon whom service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said Bohemian mining company; and said company shall at all times be subject to all the general laws of the State in reference to the commencement and prosecution of suits and the service of legal process."

Assessments.

Service of process, how made.

Condition of benefits of this act.

Sec. 3. The said company shall not be entitled to any of the provisions of this act, unless such company shall have been duly organized under the act to which this is amendatory, before the passage of this act.

Certificate of acceptance, where filed.

Sec. 4. The said company shall not be entitled to any of the benefits of this act, unless within six months after the passage of this act, a certificate, signed by the president and a majority of the directors of said company, shall be filed in the office of the Secretary of State of the State of Michigan, setting forth that said company have accepted of and assented to all the provisions of this act: *Provided*. That nothing in this act contained shall be so construed as to revive any rights forfeited by said company in consequence of not having complied with the provisions of their charter.

Provided.

Approved March 11, 1851.

[No. 31.]

AN ACT to repeal an act to incorporate the village of St. Mary, approved April second, one thousand eight hundred and forty-nine.

Section 1. *The People of the State of Michigan enact*, That an

act to incorporate the village of St. Mary, approved April second, one thousand eight hundred and forty-nine, be and the same is hereby repealed.

Sec. 2. This act shall take effect immediately.

Approved March 11, 1851.

[No. 32.]

AN ACT to provide for the assessment and collection of taxes in the township of Lansing, Ingham county.

Section 1. *The People of the State of Michigan enact*, That the supervisor of the town of Lansing in the county of Ingham, to be elected at the ensuing township election, shall, as soon as the annual assessment roll shall have been completed and reviewed, proceed to assess the amount of State and county tax apportioned to said town by the board of supervisors of said county in and for the year eighteen hundred and fifty, together with such other taxes as are contemplated by the revised statutes of eighteen hundred and forty-six, and for which he or his predecessor in office may have the proper vouchers, upon the taxable property of said town, as it shall appear on said assessment roll.

Duty of supervisor.

Assessment of taxes.

Sec. 2. To a copy of such tax roll the supervisor shall annex a warrant under his hand for the collection of such taxes in the form prescribed by law, except that such warrant shall require the said township treasurer to account for and pay over said taxes on or before the first day of July next; and the said treasurer shall proceed under such warrant in the same manner, and possess the same powers as under a warrant made at the time prescribed in the revised statutes of eighteen hundred and forty-six for the collection of the regular annual taxes, and shall make return to the county treasurer of all unpaid taxes upon his roll in the same manner and with like effect.

Duty of supervisor.

Duty of town treasurer.

Sec. 3. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and with the same effect; and such unpaid taxes so returned shall be collected in the same manner, and with interest computed from the same time as the

Transcript of unpaid taxes, where returned.

annual taxes for the year eighteen hundred and fifty, duly returned to the Auditor General for non-payment.

Duty of supervisor. Sec. 4. The supervisor shall, on or before the twentieth day of May, notify the township treasurer of the amount of State and county taxes apportioned to said township, and such treasurer shall immediately proceed to give the bond to the county treasurer contemplated in section thirty-two, chapter twenty of the revised statutes of eighteen hundred and forty-six; and before receiving the tax list shall deliver his receipt for the same to the supervisor.

Township treasurer to give bond.

Duty of Supervisor. Sec. 5. The supervisor, after receiving the receipt contemplated in the last section, and on or before the twenty-fifth day of May next, shall deliver to the township treasurer said assessment roll.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 14, 1851.

[No. 33.]

AN ACT to amend section two of an act entitled an act amending an act relative to plank roads, approved March nineteen, eighteen hundred and forty-nine.

Sec. 2 of act No. 110 of 1849 amended.

Section 1. *The People of the State of Michigan enact*, That section two of an act entitled an act amending an act relative to plank roads, approved March nineteen, eighteen hundred and forty-nine, be and the same is hereby amended by striking out the word "three," where it occurs in the last line of said section, and inserting in lieu thereof the word "five;" so that said section, when so amended, shall read as follows, to wit:

Section 19 of Act No. 62 of 1848, amended.

"Sec. 2. Section nineteen of said act is hereby amended by striking out the word "two," in the second line, and inserting in lieu thereof the word "five."

Sec. 2. This act shall take effect immediately.

Approved March 14, 1851.

[No. 34.]

AN ACT for the relief of certain purchasers of University and Primary School Lands.

Section 1. *The People of the State of Michigan enact*, That all for-

mer purchasers of university and primary school lands, who have annually paid their interest, but have failed to pay twenty-five per centum of the principal of their several purchases, can, at any time prior to the first day of March, eighteen hundred and fifty-two, pay to the State Treasurer an amount, which, together with the sums already paid, will make twenty-five per centum of their original purchases respectively; and when such amounts are so paid, together with all annual interest, then said purchasers shall be entitled to the same privileges, and be subject to the same liabilities as persons purchasing under the laws now in force, regulating the sale of university and primary school lands.

Sec. 2. This act shall take effect immediately.

Approved March 14, 1851.

[No. 35.]

AN ACT to authorize the assessment of certain taxes in the Township of Almont, county of Lapeer.

Section 1. *The People of the State of Michigan enact*, That the board of supervisors of the county of Lapeer are hereby authorized to add to the amount of State and county tax apportioned to the township of Almont, in said county, for the year one thousand eight hundred and fifty-one, one half of the amount of State and county tax apportioned to the township of Bristol, now Almont, for the year one thousand eight hundred and forty-one, and interest thereon; and in the year one thousand eight hundred and fifty-two the other half of the amount of State and county tax, apportioned to said township for the year one thousand eight hundred and forty-one, and interest thereon.

Duty of supervisors.

Sec. 2. The supervisor of said township of Almont, in assessing the taxes certified to him by the board of supervisors for the years one thousand eight hundred and fifty-one and one thousand eight hundred and fifty-two, shall include in his assessment the State and county tax apportioned to said township for the year one thousand eight hundred and forty-one, and interest thereon.

Duty of supervisor of the town of Almont.

Sec. 3. Any supervisor neglecting or refusing to comply with the provisions of this act, shall be liable to the said county for the amount

Penalty for neglect of duty.

LAWS OF MICHIGAN.

of the said tax of the year one thousand eight hundred and forty-one, so certified to him by the said board of supervisors, and may be proceeded against in any court of competent jurisdiction.

Sec. 4. This act shall take effect immediately.

Approved March 14, 1851.

[No. 36.]

AN ACT to organize the township of Heath, in the county of Allegan, and the township of Austin, in the county of Sanilac.

Township
of Heath
organized.

Section 1. *The People of the State of Michigan enact*, That all that portion of territory lying east and north of the Kalamazoo river, in township two north of range fourteen west, together with the whole of township three north of range fourteen west, be and the same is hereby set off from the township of Allegan, in the county of Allegan, and organized into a separate township, by the name of Heath, and that the first township meeting therein shall be held at the house of James M. Heath, in said township.

Township
of Austin
organized.

Sec. 2. That all that portion of territory comprised within the following original surveyed townships, to wit: Nos. twelve, thirteen and fourteen north, of range Nos. fifteen and sixteen east, in the county of Sanilac, be and the same is hereby set off and organized into a separate township, by the name of Austin, and that the first township meeting therein be held at the house of Jerome B. Sharp, in township twelve north of range sixteen east.

Sec. 3. This act shall take effect immediately.

Approved March 18, 1851.

[No. 37.]

AN ACT to amend an act to incorporate the Detroit and Erin plank road company, approved April third, eighteen hundred and forty-eight.

Co. may vacate or re-locate portion of route

Section 1. *The People of the State of Michigan enact*, That the Detroit and Erin plank road company may and they are hereby empowered to vacate and re-locate that portion of the route of the said road in the township of Clinton, in the county of Macomb, which

runs across the farm belonging to the estate of the late Jefferson Miller, adjacent to the west line of said township of Clinton: *Provided*, That in re-locating said road, said company shall be subject to all the provisions of an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight. *Provided.*

Sec. 2. Said Detroit and Erin plank road company may, and they are hereby empowered, to extend their road on Gratiot street to Randolph street in the city of Detroit: *Provided*, That no toll gate shall be erected or maintained within the limits of said city by said company. *Extension of road granted. Provided.*

Sec. 3. This act shall take effect immediately.

Approved March 18, 1851.

[No. 38.]

AN ACT supplementary to an act to incorporate the Detroit and Saline plank road company, approved March twenty-third, one thousand eight hundred and forty-eight.

Section 1. *The People of the State of Michigan enact*, That the Detroit and Saline plank road company may and they are hereby empowered to extend their road on Michigan Avenue, to the west line of Woodward Avenue, in the city of Detroit: *Provided*, That no toll gate shall be erected or maintained within the limits of said city by said company.

Sec. 2. This act shall take effect immediately.

Approved March 18, 1851.

[No. 39.]

AN ACT to authorize the transfer of a certain record from Berrien county to Cass county.

Whereas, A certain deed of conveyance, executed by Jacob D. Dutton, conveying to Cephas Mills the south west quarter of section twelve, in town seven south of range sixteen west, situated in the county of Cass, together with certain other lands in the county of Berrien: therefore *Preamble.*

Transfer of
a certain re-
cord autho-
rized.

Section 1. *The People of the State of Michigan enact, That* whenever any person interested in said south west quarter of said section twelve, in town seven south of range nineteen west, shall procure from the register of deeds of the said county of Berrien, an exemplified copy of said deed, as now recorded in said county of Berrien, and deliver the same to the register of deeds of the county of Cass, such exemplified copy of said deed may be recorded in the said county of Cass in the same manner as an original deed; the record thereof shall have the same effect and may be used in evidence in all cases as the like record of an original deed.

Approved March 19, 1851.

[No. 40.]

AN ACT to amend sections three and four of an act entitled an act to incorporate the National Mining Company.

Sec. 3 of
act No. 100,
1846, amended.

Section 1. *The People of the State of Michigan enact, That* section three of an act entitled an act to incorporate the National mining company, approved April first, eighteen hundred and forty-eight be and the same is hereby amended by striking out the word "six" and the word "fifty," in the second line of said section, and substituting therefor the words "ten" and "thirty;" so that said section shall read:

C. pital.

"Sec. 3. The capital stock of said company shall consist of three hundred thousand dollars, to be divided into ten thousand shares of thirty dollars each. The said company may make assessments upon the shares of stock, and forfeit and sell the same for non-payment of such assessment, in such manner as the by-laws may prescribe. Said company may, at any meeting thereof, make and adopt such orders, regulations and by-laws, not inconsistent with the laws of this State, as it may deem proper for the business and government of the company: *Provided*, That said company shall not be permitted to purchase or hold any real estate, except such as shall be necessary for the exercise of its corporate franchises.

Proviso.

Sec 4 amended.

Sec. 2. Amend section four of the aforesaid act to incorporate the National mining company, so that it shall read as follows:

"Sec. 4. The officers of said company shall consist of a board of

five directors, and such other officers as said board shall, pursuant to the by-laws, appoint. One of said board of directors shall be a citizen and resident of the State of Michigan, upon whom service of all process against the company may be made, and shall be deemed sufficient service upon the company. And said company shall at all times be subject to such general laws as are now in force, or may hereafter be passed in reference to the commencement and prosecution of suits and the service of legal process against corporations. Said board of directors shall hold their office for one year, and until their successors shall be appointed or elected.

Subject to general laws.

Term.

Sec. 3. The said company shall not be entitled to any of the provisions of this act, unless such company shall have been duly organized under the act to which this is amendatory, before the passage of this act.

Restriction.

Sec. 4. The said company shall not be entitled to any of the benefits of this act unless within six months after the passage of this act, a certificate, signed by the president and a majority of the directors of said company, shall be filed in the office of the Secretary of State of Michigan, setting forth that said company have accepted of and assented to all the provisions of this act.

Co. to file certificate of acceptance.

Approved March 19, 1851.

[No. 41.]

AN ACT to provide for the payment of the members and officers of the Legislature.

Section 1. *The People of the State of Michigan enact*, That there be appropriated out of any money in the treasury, to the credit of the general fund, a sum not exceeding twenty-five thousand dollars, for the payment of the members and officers of the Legislature.

Appropriation.

Sec. 2. The compensation of the president and members of the Senate, and of the Speaker and members of the House of Representatives, shall be three dollars per day for actual attendance and when absent on account of sickness, for the first sixty days of the session, and ten cents for every mile actually traveled in going to and returning from the place of meeting, on the usually traveled route; and to the members of the House and the Senator from the upper

Compensation of officers and members.

peninsula, two dollars per day additional, for the first sixty days of the session. Each member of the Senate and House of Representatives shall also be entitled to receive five dollars for newspapers and stationery. The compensation of the Secretary, Engrossing and Enrolling Clerks and Sergeant-at-Arms of the Senate, and of the Clerk, Engrossing and Enrolling Clerks and Sergeant-at-Arms of the House of Representatives, and of the reporters of either house, and of the clerks employed with the consent of either Senate or House of Representatives by any of the standing or special committees of either of said houses, shall be three dollars per day for actual attendance during the session. The compensation of the fireman of the Senate and of the House of Representatives, shall be two dollars per day for actual attendance during the session. The compensation of the messengers of the Senate and House of Representatives shall be one dollar per day for actual attendance during the session.

How certified.

Sec. 3. Such sums as may be due to the Secretary of the Senate and the Clerk of the House, shall be certified by the presiding officers of the respective houses, and countersigned by the Auditor General; such sums as may be due the President of the Senate and the Speaker of the House of Representatives, shall be certified by the clerk or secretary of the respective houses, and countersigned by the Auditor General; and such sums as may be due the members and other officers of either House, shall be certified by the secretary or clerk, and countersigned by the presiding officers of the respective houses; and the State Treasurer, upon the presentation of any such certificate,

How paid.

is hereby authorized and directed to pay the same.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 21, 1851.

[No. 42.]

AN ACT to amend an act entitled an act to create a road fund for the benefit of the German Colonists in Saginaw county, and to authorize the appointment of Commissioners to expend the same, approved March thirty-first, eighteen hundred and forty-nine.

Section 1. *The People of the State of Michigan enact, That sec-*

tion two of said act be and the same is hereby repealed, and the following substituted therefor, so that said section will read as follows:

Sec. 2 of act No. 188 of 1849, repealed.

"Sec. 2. The highway commissioners of each of said townships shall have the control of the fund created by this act, so far as the same is raised within their respective townships; and in expending the moneys that may be subject to their control by the provisions of this act, shall be governed by the laws, so far as the same may be applicable, which are now or may hereafter be in operation for the government of township highway commissioners; and each of said highway commissioners, before entering upon the duties prescribed by this act, shall take and subscribe an oath to faithfully perform the duties herein assigned him, and file the same in the office of the county clerk of his county."

Highway commissioners to have control of fund.

Oath: where filed.

Sec. 2. That section three of said act be amended by striking out the word "special," in the first and eleventh lines, and inserting in lieu thereof the word "highway;" also by striking out the word "for," in the fourth line of said section, and inserting "in the township," in lieu thereof; and also by striking out the word "appointed," in the fourth line of said section, and inserting the word "elected," in lieu thereof; so that said section will read:

Sec. 3 amended.

"Sec. 3 It shall be the duty of each of said highway commissioners, on or before the first day of May next, to make out a list of all non-resident lands coming under the provisions of this act, upon the line of that portion of the road in the township in which he was elected, and deliver the same to the treasurer of said county, who shall thereupon open an account with the German colony road fund, and credit to said fund all money then in his hands or which may thereafter be paid into his office as non-resident highway taxes upon any of the lands described in said lists, and which are within the purpose of this act, and shall charge said fund with all moneys which may be drawn from it by the highway commissioner, in pursuance of the next section of this act."

Duty of highway commissioners.

German colony road fund.

Sec. 3. That section four of said act be amended by striking out the word "special," where it occurs in the first and eleventh lines of said section, and inserting "highway," in lieu thereof; so that said section will read:

Sec. 4 amended.

Highway
commissioners to
draw warrant on Ger-
man colony
road fund.

"Sec. 4. It shall be the duty of each of said highway commissioners, in payment for any labor performed or materials furnished in the improvement of said road under his direction, to issue his certificate to any person who may be entitled to the same, certifying the facts as they exist in the case, and draw his warrant thereon (for the amount due such person) upon the German colony road fund; and it shall be the duty of the county treasurer of that county to pay the same out of any money belonging to that portion of said fund which is derived from the taxes which come under the provisions of this act, upon the line of that portion of the road under that highway commissioner's separate charge.

Co. treasurer's
duties.

Sec. 5 amended.

"Sec. 4. That section five of said act be amended by striking out the word "special," in the first line of said section, and inserting "highway," in lieu thereof; so that said section will read:

Compensation
of commis-
sioners.

"Sec. 5. Each of said highway commissioners shall be entitled to receive a sum not exceeding one dollar per day for the time actually employed by him in discharging the duties which this act imposes upon him; and his account for the same, verified by his oath, shall be audited by the board of supervisors of Saginaw county, and shall be paid out of any moneys belonging to his portion of the German colony road fund in the treasury of that county."

Sec. 6 re-
pealed.

Sec. 5. That section six of said act be and the same is hereby repealed, and the following substituted therefor; so that said section will read:

Commis-
sioners;
where to
render ac-
counts.

"Sec. 6. The special commissioners heretofore appointed under said act, are required within two months from the passage of this act, to render their several accounts, on oath, to the treasurer of the county of Saginaw, and to pay over to him all moneys remaining in their hands belonging to said German colony road fund."

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved March 21, 1851.

[No. 43.]

AN ACT to provide for the issuing of a patent to Chauncey G. Pope and Thomas L. Pope, for certain lands.

Section 1. *The People of the State of Michigan enact*, That the Governor of this State is hereby authorized to issue or cause to be issued unto Chauncey G. Pope and Thomas L. Pope, their heirs or assigns, a patent for the east half of the south-west quarter of section twelve, in township eight south of range eighteen west, upon satisfactory evidence being furnished to said Governor that the aforesaid Chauncey G. Pope and Thomas L. Pope, their heirs or assigns, are the holders and true owners of the certificate originally issued for said above described parcel of land from the State Land Office of the State of Michigan, in the year eighteen hundred and forty-six, by Digby V. Bell, Commissioner of said Land Office, to one John Harris: *Provided*, That before said patent shall be issued, payment in full of all moneys due or to become due, both principal and interest, for said parcel of land, shall be made to the Treasurer of the State.

Approved March 21, 1851.

[No. 44.]

AN ACT supplementary to acts incorporating the city of Detroit.

Section 1. *The People of the State of Michigan enact*, That in addition to the tax now authorized to be levied by the charter of the city of Detroit, the common council shall have power to cause to be assessed, levied and collected, each and every year, upon all the real and personal estate within the limits of the said city, a tax not exceeding in amount a sum sufficient to pay the interest accruing upon the funded debt of said city for the year for which such tax is levied and collected, and also an additional tax each year, not exceeding in amount the sum of five thousand dollars.

Sec. 2. The said sums, or any parts thereof, so levied and collected, shall be appropriated as follows, and to no other purpose whatever: Any and all sums, levied and collected as aforesaid for the payment of interest, shall be applied to the payment of the interest ac-

Additional
tax authori-
zed.

How appro-
priated.

Sinking fund; how applied. cruing upon said funded debt of said city for the year for which such tax is levied and collected; the annual tax of five thousand dollars, or any portion thereof, levied and collected as aforesaid, shall, together with all sums that can be saved from the general tax and from all other sources of revenue of said city, constitute a sinking fund, which shall, under the direction of the said common council, be applied exclusively to the payment of the funded debt of said city.

Restriction Sec. 3. From and after the passage of this act, no bond or other evidence of debt shall be issued by the said common council, except for the completion of works already under contract, or for refunding bonds or for funding evidences of debt already issued; and any bonds or evidences of debt issued in contravention of this section shall be absolutely void: *Provided, however,* That the provisions of this section shall not apply to orders on the treasurer for the necessary and current expenses of the city.

Powers of common council. Sec. 4. The common council shall have power, in addition to those already granted, to levy taxes in the manner prescribed in said charter, upon all the real and personal estate within the limits of said

Proviso. city: *Provided,* That no such work shall be contracted for or commenced until it shall have been approved by the common council, and a tax levied to pay for the same; and no such work shall be paid for, or contracted to be paid for, save out of the proceeds of the tax levied specially therefor; and all contracts made in contravention hereof, shall be absolutely void. All the provisions of the charter of said city, and the amendments thereto, in any way inconsistent or contravening the provisions of this section, and the provisions contained in this act, are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 21, 1851.

[No. 45.]

AN ACT to change the boundary between the townships of Palmyra and Ogden, in the county of Lenawee.

Section 1. *The People of the State of Michigan enact, That the*

boundary line between the township of Palmyra and the township of Ogden in the county of Lenawee, from that point where the said line is first intersected by the river Raisin, to that point where the said river enters the township of Blissfield in said county, shall be and is hereby so altered as to coincide with the main channel of said river; so that all that part of the township of Palmyra which lies south of said river, and between the two points aforesaid, shall be and is hereby taken from the said township of Palmyra, and set off to and made a part of the said township of Ogden; and all that part of the said township of Ogden, which lies north of said river, shall be and the same is hereby taken from the said township of Ogden, and made a part of the said township of Palmyra.

Sec. 2. This act shall take effect immediately.

Approved March 21, 1851.

[No. 46.]

AN ACT authorizing the Auditor General to publish certain tax sales in the Barry County Pioneer.

Section 1. *The People of the State of Michigan enact*, That the Auditor General shall cause the statement of the lands to be sold for taxes in the county of Barry, in October, in the year eighteen hundred and fifty-one, to be published in the Barry County Pioneer; which statement shall be published in the same manner, for the same time, and to the same effect as like statements required by law to be published in other cases.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 21, 1851.

[No. 47.]

AN ACT for the relief of the several school districts in the township of Concord, county of Jackson.

Section 1. *The People of the State of Michigan enact*, That the Superintendent of Public Instruction be and he is hereby directed that, in apportioning the income of the primary school fund among

Duty of superintendent of public instruction.

the several townships and cities in this State, in pursuance of the provisions of the statute, be apportion to the township of Concord, in the county of Jackson, in addition to the amount to which said township will be entitled to receive from said fund the present year, the sum of sixty-six dollars, or the amount which two hundred scholars residing in said township, and that were not returned to the Superintendent of Public Instruction, were entitled to draw from said school fund under the apportionment of the school fund for the year eighteen hundred and forty-nine.

Sec. 2. This act shall take effect immediately.

Approved, March 23, 1851.

[No. 48.]

AN ACT to amend section three, chapter one hundred and thirty, title twenty-four of the revised statutes, relative to the foreclosure of mortgages by advertisement.

Statutes
amended.

Section 1. *The People of the State of Michigan enact*, That section three, chapter one hundred and thirty, title twenty-four of the revised statutes of eighteen hundred and forty-six, be and the same is hereby amended by striking out from the last line of said section the words "at the seat of government," and insert the words "nearest thereto;" and also by inserting in the third line thereof, after the word "premises," the words "included in the mortgage and;" so that said section, when amended, shall read:

Notice of
mortgage
sale, how
given.

"Sec. 3. Notice that said mortgage will be foreclosed by a sale of the mortgaged premises, or some part of them, shall be given by publishing the same for twelve successive weeks, at least once in each week, in a newspaper printed in the county where the premises included in the mortgage and intended to be sold, or some part of them, are situated, if there be one; and if no newspaper be printed in such county, then such notice shall be published in a paper published nearest thereto."

Sec. 2. This act shall take effect immediately.

Approved March 22, 1851.

[No. 49.]

AN ACT to amend an act to incorporate the Niles Hydraulic and Manufacturing Company, and to amend sections one, six, eight, ten, eleven and thirteen of said act, also to change the title to that of the Niles Hydraulic Company.

Section 1. *The People of the State of Michigan enact*, That an act to improve the navigation of the St. Joseph river and to incorporate the Niles hydraulic and manufacturing company, approved March thirty-first, eighteen hundred and forty-nine, be and the same is hereby amended as follows: strike out section one and insert the following to stand in lieu thereof: Act No. 203
of 1848,
amended.

"Sec. 1. That James L. Glenn, R. C. Paine and Wm. H. McComber, with such other persons as shall associate with them, shall be and they are hereby created a body politic and corporate by the name of the Niles hydraulic company." Incorporation.

Sec. 2. Strike out section six, and insert the following in lieu thereof:

"Sec. 6. The directors of said company shall have power to call in and demand from stockholders respectively, all such sums of money by them subscribed, at such time and in such payments as they shall deem proper; to sue for and collect such subscriptions, or to forfeit the shares of stock subscribed for, and all previous payments thereon, if payment shall not be made within sixty days after a personal notice or after notice requiring such payment shall have been published for six successive weeks in a newspaper published in the village of Niles. They shall have power to choose such officers to manage and superintend their business as they may deem for the interest of the company, and to enact such by-laws as may be necessary for the management of the business of the company, according to the true intent and meaning of this act, and not inconsistent with the laws of this State." Power of
directors.

Sec. 3. Strike out section eight, and insert the following in lieu thereof:

"Sec. 8. The corporation hereby created is required, within five years from the passage of this act, to improve the navigation of the St. Joseph river, at or near the village of Niles, by the erection and maintenance of a dam in said river, and by a canal and lock to be Co. to erect
and main-
tain a cer-
tain dam on
St. Joseph
river.

located at such place near said village as the directors may deem proper, and to be so erected and constructed as to make a passage for boats and other crafts navigating said river, either by canal and lock or slack water navigation, or both, over "salt riffle," and "grand dam riffle," and the rapids between the two, and at all times to keep said dam, canal and lock in a condition to pass without unnecessary delay, all such boats and other crafts, free of expense to the owners thereof; and any person who shall be so detained, shall be entitled to recover of the owners of the same, or of the said Niles hydraulic company, the damages which he shall prove he has sustained by such detention, before any court of competent jurisdiction, with the costs of suit."

Sec. 4. Strike out section ten, and insert the following in lieu thereof:

Power of
directors.

"Sec. 10. The directors of said company shall have power to contract with the owner or owners of any land which may be used or flowed by reason of the construction of said dam, canal, locks and races, or which may be necessary to carry out the object of said corporation in the improvement of the St. Joseph river, the creating of a water power and obtaining the necessary land on which to use the same, and to pay such owner or owners the damages they have sustained; and also to enter upon, take and use any other lands which may be necessary for the purposes aforesaid, after the necessity for using such land and the compensation to be made therefor, shall have been ascertained and paid, as hereinafter provided. And if said company cannot agree with any such owner or owners of land, it shall be lawful for the parties to appoint three disinterested persons, residents of the county, to estimate and appraise such damages; and every such appraisalment shall be reduced to writing and signed by the appraisers or a majority of them, and a duplicate thereof shall be furnished to each of the parties. The expense of the appraisalment shall be paid by said company."

Damages,
how esti-
mated.

Parties may
appoint ap-
praisers.

Sec. 5. Strike out section eleven, and insert the following in lieu thereof:

"Sec. 11. Whenever such company shall be unable to agree with the owner or occupants of such lands, to be used for the purpose of making said improvements, or if they cannot agree upon appraisers,

as aforesaid, or if said appraisers so agreed upon shall fail to make their award within the stipulated time, or if the owner or occupant of any such lands shall be a married woman, minor, insane person, an idiot, or a non-resident of this State, having no known agent with power to sell, the directors of such company may apply by petition to any court of record within the county of Berrien, at any session thereof legally held, for the appointment of three commissioners to ascertain and determine whether it be necessary to the public interest to take such lands for the proposed improvements; and if so, to ascertain and determine the amount of damages therefor; such petition shall state that such company have been unable to agree with certain owners or occupants of certain lands, necessary for making said improvement, as to the necessity of taking such lands for the purposes of such improvement, or as to the amount of damages to be allowed therefor; and it shall be necessary in such petition to describe particularly the lands, and if known, the names of the owners; and if it shall appear to the court that previous public notice of such application has been published for three successive weeks in a newspaper published in said county, or if none in the county, then in the paper published nearest thereto, then such court shall forthwith, or as soon as the business of such court will permit, proceed to hear and decide upon such application, and may hear any reason which they may deem valid for or against the appointment of such commissioners, or of any commissioner which said court may name, and may hear any evidence applicable thereto; and if such court shall determine to appoint such commissioners, such court shall appoint three disinterested freeholders of said county, none of whom shall be residents of or owners of real estate in the township of Niles; and if it shall not be made to appear to such court that notice of such application shall have been given as aforesaid, the hearing shall be adjourned either till the next term thereof, or to such other day as shall be deemed proper that such notice shall be given, proceed with the hearing, and appoint commissioners as aforesaid."

Co. may petition court of record for appointment of com'rs, &c.

Lands to be described in petition.

Publication of notice.

Com'rs to be freeholders.

Sec. 6. Strike out section thirteen, and insert the following in lieu thereof:

"Sec. 13. Before such commissioners shall enter upon the duties of their office, they shall be sworn before some officer authorized to

Oath of commiss'rs.

Damages,
how ascer-
tained and
determined.

administer oaths, faithfully and impartially to perform their duties as such commissioners, which oath shall be in writing, and shall be returned into such court with the report of their proceedings; and shall thereupon, at the request of the directors of such company, and at their expense, give notice of the time when they will proceed to examine the plan of said improvements and determine the necessity of taking the lands of any person or persons, and to ascertain and determine the damages therefor; which notice shall be published in a newspaper published in such county, or if none in the county, then the paper published nearest thereto, for three successive weeks before the time appointed for making such examination and determination; and at or before the time appointed in such notice, the directors of such company shall furnish to the said commissioners a map and description, by reference thereto, of all the lands the necessity for taking which and the damages for which they may wish said commissioners to determine on such examination, together with the names and residence of the owners thereof or persons interested therein, as far as the same can be ascertained; and if it shall appear to said commissioners that notice in writing has been given by said company or any officer or agent thereof, to each of the owners or persons interested therein, residents of the said county, of the said examination and the objects thereof, by delivering the same to such persons, or leaving the same with some member of his family at his place of residence, ten days previous to the time of the examination, they shall proceed to examine so much of said lands as shall have been mentioned in the notice published by them, and shall hear any reasons which may be deemed pertinent, which may be urged for or against the necessity of constructing such improvement, or the necessity of taking therefor any lands of any person; and they may take any testimony having a bearing upon the question of such necessity, and in respect to the amount of damages to be allowed to any person or persons for the taking of any such lands for the purposes aforesaid; and each of said commissioners is hereby authorized to administer all necessary oaths to witnesses, in the taking of any affidavits touching any matter before them, and may issue subpoenas for witnesses with the same effect as courts of law; and all witnesses shall be liable to the same penalties for disobedience as for the life

disobedience to subpoenas issued by a court of law, and may be fined ^{Damages: how ascer-} or committed by such commissioners for contempt as in courts of ^{tained and} law; and such examination may be continued as long as may be necessary, or adjourned, as to them shall seem just, not however to exceed ten days, without the consent of both parties; and if the said commissioners shall ascertain and determine that such improvement is not necessary for the public interest, or that the lands of any individual are not necessary to be taken for any part of the said improvement, they shall so certify, in writing, to the court by which they were appointed; and said company shall not be allowed to take any such lands of individuals, unless by agreement with the owners and occupants thereof; but if said commissioners shall determine that it is necessary to the public interest to take any lands for the purposes aforesaid, they shall proceed to ascertain, appraise and determine the amount of damages to the respective owners and occupants of such lands in consequence of the taking of any such lands for the purposes aforesaid, describing with convenient certainty each separate parcel, with the amount of lands to be taken by said company from each parcel, and the name and residence of each owner, as far as the same is known. They shall keep full minutes of their proceedings, with the substance of such evidence taken before them, and all the affidavits which shall be used before them; and they or a majority of them shall make and sign a report of all their doings aforesaid, accompanied by all proper exhibits and a map, with references thereto, and shall in such report state the several amounts of damages which shall have been allowed by them to each owner and occupant in respect to each separate parcel upon which an appraisal shall have been made, stating separately the sums allowed to parties unknown, of the lands for which such damages are allowed, and also all the lands claimed by said company to have been necessary to be taken, and which such commissioners shall have decided to be necessary, and shall file the said report with the clerk of the court by which they were appointed, within twenty days after completing such appraisal. The decision of a majority of such commissioners shall be valid, but all shall take part in the hearing; such decision shall be final and conclusive upon all such persons who shall not, within fifteen days after the filing such report, make and file with the clerk of

Damages;
how ascer-
tained and
determined.

such court a motion to set aside said report so far as it respects the lands in which such person is interested, and serve a copy thereof upon one of the director of such company, if to be found in the county; and if such director cannot be found in the county, then such filing shall be sufficient notice to the company."

Sec. 7. Add eight new sections to stand as sections fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one and twenty-two:

"Sec. 15. Said motion shall be heard at the next session of such court, unless for good cause shown the hearing shall be continued; and on such hearing either party may introduce testimony in addition to that returned by the commissioners; and said court may confirm or annul the decisions of such commissioners upon the matter in question, or may order a re-appraisal of such particular piece or parcel, and fix the time therefor. In making such re-appraisal, the commissioners shall proceed as hereinbefore directed as near as may be; and their report thereof made as aforesaid, in respect to the particular lands in question; and such report shall be confirmed or annulled by said court, as above provided in respect to the first report; and such court may order a re-appraisal as often as they may deem necessary, till the same shall be confirmed by said court.

"Sec. 16. Said commissioners shall at any time thereafter, at the request of the directors of such company, and subject to the provisions above contained, proceed to ascertain and determine the necessity of taking the lands of any person or persons, and the amount of damages therefor, or any other portion of such improvement upon which such damages have not been ascertained; and they shall continue to be the commissioners for that purpose, in respect to said improvement, until all such questions in reference thereto (in such county) shall have been ascertained, unless the court by which they were appointed shall, on cause shown, remove them or any of them; in which case, and in case of the death or continual absence from the State of any of them, such court shall appoint another or others to fill such vacancy.

Compensation
of com-
missioners.

"Sec. 17. Such commissioners shall be entitled to receive two dollars per day, for the time actually spent by them in the performance of their duties, to be paid by said company; and the person appointed to attend to the interest of incompetent or absent parties, as pro-

vided in section twenty-one of this act, shall also be paid by said company the like compensation; the fees of witnesses and officers for the service of subpoenas shall be the same as is or may be provided in respect to witnesses in courts of justices of the peace; and if it shall be made to appear to the said commissioners that said company, six days previous to any such examinations in respect to damages, shall have offered in writing and tendered to any claimant of damages as large a sum for such damages as shall be allowed by them, then all witness fees, with the cost of proceedings, their attendance, the fees of such commissioners and of the person by them appointed under section twenty-one of this act, shall be paid by such claimant; and said company may sue for and recover any part of such costs or fees which they may have paid or become liable to pay, or the same may be offset by said company against any damages which may have been allowed to such person.

"Sec. 18. If any person interested in lands or damages to be appraised by such commissioners, shall be a married woman, a minor, an idiot, an insane person, a non-resident of this State or unknown, and there shall be no one duly authorized by law to act instead of any such person, the said commissioners shall appoint, by an order in writing, to be made and signed by them, some competent and suitable person who will consent to act; such consent shall be made in writing, signed by such person, to take care of the interests of such interested person, in respect to the proceeding to ascertain such damages; and all such notices as are required to be served on any owner or interested person residing in such county, shall be served upon the person so appointed in like manner and with like effect as if served on the owner or person interested; but any person so appointed to take care of the interests of any such non-resident or unknown owner, may be superceded by him.

"Sec. 19. In all cases of the appraisal of land authorized by this act, or of damages, and every proceeding in relation thereto, in which the appointment of a person shall have been made in accordance with the provisions of the preceding section, the person so appointed shall be regarded and treated in all respects as a party representing the interests of the person or persons owning or interested in the lands or damages to be appraised; and all proceedings in such cases shall

Fees of witnesses and officers.

Power of commissioners to appoint persons to represent non-residents, &c.

Appraisal, to be conclusive.

be effectual and conclusive upon the party represented by the person so appointed.

Witnesses.

"Sec. 20. On application of any party interested, any judge or justice of the peace may issue a subpoena requiring witnesses to attend before such commissioners; and such subpoena shall have the same force and effect, and the witnesses duly subpoenaed by virtue thereof and refusing and neglecting to obey the same shall be subject to the same penalties and liabilities as if such subpoenas were issued from a court of record in a suit pending therein.

Restrictions of company, except in certain cases.

"Sec. 21. Such company shall not be entitled to enter upon and take (unless by agreement with the owners or occupants) any lands for the use of their improvements, the damages for which have been ascertained and determined by appraisals as provided in this act, until such company shall have paid or legally tendered the amount of such damages to the person or persons entitled to receive the same, except in the cases provided in the next section (section twenty-two) of this act; and if such payment or tender shall not be made within thirty days after the appraisal has been finally determined and fixed, either by the award of persons agreed upon for making such appraisal, or by confirmation of the report of commissioners, or a neglect to move to set aside the report as above provided, then said company shall pay interest on such damages from the time such damages became determined and fixed as aforesaid; and after the payment or tender of such damages as in this section provided, or after complying with the provisions of the succeeding section of this act, said company may enter upon and take the lands in respect to which such appraisal has been made to the said company, its successors and assigns, for the construction and maintainance of the said improvement.

Payment of awards.

"Sec. 22. If any person entitled to receive the amount of any such award, be not a resident of this State, or cannot be found therein, the company may furnish to the courts by whom such commissioners were appointed, or the judge thereof in vacation, satisfactory proof of such fact; and such court, or the judge thereof, shall thereupon make an order that the amount of such award shall be paid to the treasurer of the county of Berrien, in respect to which such award was made, for the use of such owner, and that notice of such pay-

ment be given by publishing the same once in each week for six successive weeks in a newspaper published in said county, on satisfactory proof being made to the said court or judge within three months from the time of making the last mentioned order, of such payment and publication, said court or judge shall make an order authorizing the company to take and hold the land in respect to which such award was made, which shall have the same effect as if such payment had been made to the owner personally. The affidavits and orders mentioned in this section shall be filed in the office of the clerk of the court by which such commissioners were appointed, and such clerk shall file and preserve the same in his office."

Notice by publication

Sec. 8. Add two new sections to stand as sections twenty-three and twenty-four, as follows:

"Sec. 23. The stockholders of said company shall be severally and individually liable for all labor performed for said company, but no suit shall be brought against any stockholder until an execution against such company shall have been returned unsatisfied in whole or in part.

Individual liability.

"Sec. 24. The legislature may at any time alter, amend or repeal this act, but such repeal shall not, nor shall the dissolution of said company, take away or impair any remedy given for or against said company or its stockholders in respect to any previous debt or liability."

Subject to amendment or repeal.

Sec. 9. This act shall take effect immediately.

Approved March 22, 1851.

[No. 50.]

AN ACT to amend section two of an act entitled an act to incorporate the Pheonix Copper Company, approved March 31, 1849.

Section 1. *The people of the State of Michigan enact*, That section two of an act entitled an act to incorporate the Pheonix Copper Company, approved March thirty-first, eighteen hundred and forty-nine, be and the same is hereby amended by striking out in the third line thereof the words "one hundred," and substituting the word "thirty," so that said section shall read:

Sec. 2 of act No. 179 of 1849 amended.

"Sec. 2. The said company shall have corporate succession, and

Capital
stock and
real estate
of company.

its capital stock shall not exceed three hundred thousand dollars, divided into shares of thirty dollars each; and said company may acquire and hold such real and personal estate in the State of Michigan as shall be necessary for the exercise of its corporate franchises."

Certificate
of acceptance;
where filed.

Sec. 2. The said company shall not be entitled to any of the benefits or provisions of this act, unless within six months after its passage the said company shall cause a certificate of its acceptance of the provisions of this act, signed by its president and secretary, or the majority of its directors, to be filed in the office of the Secretary of State.

Approved March 22, 1851.

[No. 51.]

AN ACT to amend section three of an act entitled an act to incorporate the Albion Mining Company, approved March 27, 1848.

Sec. 3 of act
No. 116 of
1848, amended.

Section 1. *The People of the State of Michigan enact*, That section three of an act entitled an act to incorporate the Albion Mining Company, approved March twenty-seventh, eighteen hundred and forty-eight, be and the same is hereby amended by striking out in the second line of section three the word "three," and substituting therefor the word "seven;" so that said section shall read:

Officers.

"Sec. 3. The officers of said company shall consist of a president, a board of seven directors, including the president, who shall be one thereof, a secretary and treasurer, who may, however, at the pleasure of the company, be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company by its by-laws may prescribe: *Provided*, That one of the directors shall at all times be a citizen and resident of this State, upon whom service of all process against said company may be made; and such service shall be deemed a valid service as against the said Albion Mining Company. And said company shall only acquire, hold and convey such real and personal estate in the State of Michigan as shall be necessary for the exercise of its corporate franchises."

Proviso.

Sec. 2. The said company shall not be entitled to any of the benefits or provisions of this act, unless within six months after its passage the said company shall cause a certificate of its acceptance of the provisions of this act, signed by its president and secretary, or the majority of its directors, to be filed in the office of the Secretary of State.

Certificate
of acceptance;
where filed.

Approved March 22, 1851.

[No. 52.]

AN ACT to amend section two of an act entitled an act to incorporate the New York and Michigan Mining Company, of Detroit, approved March 30th, 1848.

Section 1. *The People of the State of Michigan enact*, That section two of an act entitled an act to incorporate the New York and Michigan mining company of Detroit, approved March thirtieth, eighteen hundred and forty-eight, be and the same is hereby amended by striking out in the third line thereof the words "one hundred," and substituting the word "thirty;" so that said said section shall read:

Sec. 2 of act
No. 148, of
1848, amended.

"Sec. 2. The said company shall have corporate succession; its capital stock shall be three hundred thousand dollars, divided into shares of thirty dollars each; and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan as shall be necessary for the exercise of its corporate franchises."

Capital
stock, real
estate, &c.

Sec. 2. The said company shall not be entitled to any of the benefits or provisions of this act, unless within six months after its passage, the said company shall cause a certificate of its acceptance of the provisions of this act, signed by its president and secretary, or the majority of its directors, to be filed in the office of the Secretary of State.

Certificate
of acceptance;
where filed.

Approved March 22, 1851.

[No. 53.]

AN ACT to amend section fifty-eight of an act entitled an act to incorporate the city of Grand Rapids, approved April 2, 1860.

Sec. 38 of
act No. 247
of 1860, a-
mended.

Section 1. *The People of the State of Michigan enact*, That section fifty-eight of an act entitled an act to incorporate the city of Grand Rapids, approved April second, eighteen hundred and fifty, shall be amended as follows, to wit: by striking out all of said section from the commencement thereof to the word "and," where it occurs the second time therein, in the second line thereof, and inserting therefor the following, to wit: "There shall be chosen on the first Monday in April in every year in the city at large, upon a general ticket, two persons, qualified electors of said city, one of whom shall be a resident of that portion of said city situated on the west side of Grand river, and the other a resident of that portion of said city situated on the east side of the said river, who shall have and exercise the powers and duties of supervisors, and as such, for and in behalf of the said city, act upon and with the board of supervisors of the county of Kent;" so that said section when amended shall read as follows, to wit:

Persons
may be
chosen to
exercise
powers and
duties of
supervisors.

"Sec. 58. There shall be chosen on the first Monday in April in each year, by the city at large, upon a general ticket, two persons, qualified electors of said city, one of whom shall be a resident of that portion of said city situate on the west side of Grand river, and the other a resident of that portion of said city situate on the east side of said river, who shall have and exercise the powers and duties of supervisors, and as such, for and in behalf of said city, act upon and with the board of supervisors of the county of Kent; and the marshal of said city shall have and exercise the powers and duties of township treasurer; and the clerk of said city, in addition to his duties as city clerk, shall perform the duties of township clerk, as provided by law."

Marshal to
perform
duties of
town treasurer.
City clerk
to perform
duties of
town clerk.

Sec. 2. This act shall take effect immediately.

Approved March 24, 1851.

[No. 54.]

AN ACT to amend an act entitled an act to amend an act entitled an act to incorporate the city of Monroe, and certain acts amendatory thereto, approved March 30, 1849.

Section 1: *The People of the State of Michigan enact, That* section one of an act to amend an act entitled an act to incorporate the city of Monroe, and certain acts amendatory thereto, approved March thirtieth, eighteen hundred and forty-nine, be and the same is hereby amended so that the same when amended shall read as follows, viz: "The electors of the city of Monroe, at the annual election of said city under their charter, shall, in addition to the other officers heretofore elective by the people, elect one recorder and one marshal or collector of said city, who shall hold their respective offices for one year from and after the day of election, and until their respective successors shall be elected and qualified, unless removed by the common council, as herein provided. It shall be lawful for the common council of said city to require of each of the officers in this section named, such bonds as they shall deem necessary and proper, and to make such rules and regulations by way of ordinances, as they shall judge proper or necessary in relation to the duties of the said several officers, in addition to those now required by law: *Provided*, Such ordinances shall not be contrary to the laws of this State. And if any of the said officers shall neglect or refuse to perform any of the duties now or hereafter to be required of them, respectively, by the laws of this State, or by any ordinance of said city as aforesaid, the common council shall have power to remove such officers, respectively, from their respective offices, first giving to them, respectively, due notice, and an opportunity of being heard in defence of such charges as may be brought against them; and in case of such removal, said common council shall power, and it shall be their duty to appoint some other suitable person to fill the vacancy occasioned by such removal for the remainder of the year, and until the successor of such officer shall be duly elected and qualified; and the person so appointed shall be subject to all the same duties and required to give the like security as the officer whose duties he is appointed to perform. And the said common council shall not have power to appoint either of said officers except as aforesaid; and the common

Sec. 1 of act No. 187 of 1849, amended.

Officers to be elected.

Term.

Bonds required.

Power of common council.

Salary of
city solicitor.

council of said city shall have the power to allow and pay to the city solicitor such amount of salary as they shall deem proper, not exceeding fifty dollars per year for ordinary services; but for such services as he may be required to perform in any other court than the mayor's court, they may allow such sum as they may deem reasonable."

Sec. 5. This act shall take effect immediately.

Approved March 24, 1851.

[No. 55.]

AN ACT to amend section one of an act entitled an act to attach the county of Huron to Sanilac for legislative and other purposes, approved April 1, 1850.

Sec. 1 of act
No. 213, of
1850, amended.

Section 1. *The People of the State of Michigan enact*, That section (1) one of an act entitled an act to attach the county of Huron to Sanilac for legislative and other purposes, approved April first, eighteen hundred and fifty, be amended by striking out the word "Sanilac" in the fourth line, and inserting in place thereof the word "Austin;" so that said section when amended shall read as follows:

Sec. 1, as
amended.

"Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the county of Huron be and the same is hereby attached to the county of Sanilac for judicial and representative purposes, and to the township of Austin in the county of Sanilac for township purposes."

Sec. 2. This act shall take effect immediately.

Approved March 26, 1851.

[No. 56.]

AN ACT to amend section three of an act entitled an act to incorporate the Oakland and Ottawa Railroad Company, approved April 3, 1848.

Sec. 3 of act
No. 234, of
1848, amended.

Section 1. *The People of the State of Michigan enact*, That section three of an act entitled an act to incorporate the Oakland and Ottawa railroad company, approved April third, eighteen hundred and forty-eight, be amended by adding at the end of said section

three, the following words: "and for the purpose of providing means for the construction of said railroad, its shops, buildings, depots and equipments, said company may issue its corporate bonds or obligations, for such amounts not less than one hundred dollars, and in the aggregate not exceeding their capital stock, and in such form as it may deem proper, and payable at such times and places, upon such terms and with such rates of interest as it may determine; and may secure the payment of the whole or any portion of said bonds or obligations by mortgage of the road or other property of said company; and in case said bonds or obligations, or any of them shall be thus sold, disposes of or negotiated at a discount, said sale, disposal or negotiation shall be as valid and effectual as if said bonds or obligations had been sold, disposed of or negotiated at their par value;" so that said section three, as amended, will read as follows:

"Said company hereby created shall have power to construct a rail road with a double or single track from the village of Pontiac, in the county of Oakland, to Lake Michigan, in the county of Ottawa, in the State of Michigan, passing it through the most desirable and eligible route, by the way of Fentonville, with power to take, transport and carry property and persons upon said railroad or any part thereof herein authorized to be constructed, by the power and force of steam or of animals, or of any mechanical or other power, or of any combination of them which said company may choose to apply; and for the purpose of providing means for the construction of said railroad, its shops, buildings, depots and equipments, said company may issue their corporate bonds or obligations for such amounts, not less than one hundred dollars, and in the aggregate not exceeding their capital stock, and in such form as it may deem proper, and payable at such times and places, upon such terms and with such rates of interest as it may determine, and may secure the payment of the whole or any portion of said bonds or obligations by mortgage of the road or other property of said company; and in case said bonds or obligations or any of them shall be thus sold, disposed of or negotiated at a discount, said sale, disposal or negotiation shall be as valid and effectual as if said bonds or obligations had been sold, disposed of or negotiated at their par value."

Route and description of road.

Motive power.

Co. may issue bonds.

Approved March 26, 1851.

[No. 57.]

AN ACT to amend an act entitled an act to construct dams and improve the navigation of certain rivers, approved March 24, 1836.

Sec. 2 of act
of 1836, a-
mended.

Section 1. *The People of the State of Michigan enact*, That section two of an act entitled an act to construct dams and improve the navigation of certain rivers, approved March twenty-fourth, eighteen hundred and thirty-six, be amended by striking out of the second section of said act, all after the word "mark," where it occurs in the eighth line, and insert in lieu thereof as follows, to wit: "that said dam shall be so constructed as not to impede or obstruct the navigation of said stream, or injure its use as a common highway;" so that said section as amended shall read as follows:

Dam autho-
rized.

"Sec. 2. That George Buck, his heirs and assigns, be and they are hereby authorized and empowered to build a dam across the St. Joseph river, on or near the line dividing sections number seventeen and eighteen, in township number six south of range number eleven west, in the county of St. Joseph; said dam shall not exceed five feet in height above common low water mark: *Provided*, That said dam shall be so constructed as not to impede or obstruct the navigation of said stream, or injure its use as a common highway, or prevent the passage of fish up and down the same."

Control of
board of su-
pervisors.

Sec. 2. Nothing in this act contained shall prevent the board of supervisors of the county of St. Joseph from exercising the like control and supervision over said dam as such board, as it may be authorized to exercise over any other dam, in their county, under the general laws of the State.

Sec. 3. The Legislature may at any time alter, amend or repeal this act.

Approved March 26, 1851.

[No. 58.]

AN ACT to amend section one of an act to incorporate the Howell and Byron Plank Road Company, approved March twenty-fifth, eighteen hundred and fifty, and to extend the time for opening books for the subscription of stock to the same.

Section 1. *The People of the State of Michigan enact*, That section one of an act to incorporate the Howell and Byron Plank Road

Company, approved March twenty-fifth, eighteen hundred and fifty, be and the same is hereby amended by striking out of said section the names of "B. W. Dennis and F. J. Provost," and inserting in place thereof the names of "Nathaniel Turner and Henry T. Lee;" so that said section when amended will read:

"Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That George W. Lee, Josiah Turner, Nathaniel Turner, Harvey T. Lee and Noah Ramsdell be and they are hereby appointed commissioners, under the direction of whom subscriptions may be received to the capital stock of the Howell and Byron plank road company; and the subscribers thereto, with such other persons as they shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate by the name and style of the Howell and Byron plank road company, with corporate succession."

Sec. 2. The time in which it was made necessary by virtue of said act for the commissioners named in the act incorporating said Howell and Byron plank road company to open books for the subscription of capital stock to said company, and the time in which, by virtue of said act, it was made necessary to commence the construction of said road, is hereby extended one year from the passage of this act.

Sec. 3. This act shall take effect immediately.

Approved March 26, 1851.

[No. 59.]

AN ACT to authorize the formation of Telegraph Companies.

Section 1. *The People of the State of Michigan enact*, That any number of persons may associate for the purpose of constructing a line of wires of telegraph through this State, or from and to any point within this State, upon such terms and conditions, and subject to the liabilities prescribed in this act.

Sec. 2. Such persons, under their hands and seals, shall make a certificate which shall specify:

1st. The name assumed to distinguish such association, and to be used in its dealings, and by which it may sue and be sued.

2nd. The general route of the line of telegraph, designating the points to be connected.

3d. The capital stock of such association, and the number of shares into which the stock shall be divided.

4th. The names and places of residence of the share holders, and the number of shares held by each of them respectively.

5th. The term of its existence, not to exceed thirty years; which certificate shall be proved or acknowledged, and recorded in the office of the clerk of the county where any office of such association shall be established, and a copy thereof filed in the office of the Secretary of State; such acknowledgment may be taken by any officer authorized to take the acknowledgment of deeds of real estate, at the place where such acknowledgment is taken.

Copies of
certificate;
where filed.

Sec. 3. Upon complying with the provisions of the last preceding section, such association shall be and hereby is declared to be a body corporate, by the name designated in said certificate; and a copy of said certificate duly certified by the clerk of the county where the same is filed and recorded, or by the Secretary of State, may be used as evidence in all courts and places, for and against any such association.

General
powers of
association.

Sec. 4. Such association shall have power to purchase, receive and hold and convey such real estate, and such only, as may be necessary for the convenient transaction of the business, and for effectually carrying on the operations of such association, and may appoint such directors, officers and agents, and make such prudential rules, regulations and by-laws as may be necessary in the transaction of their business, not inconsistent with the laws of this State or of the United States. But this section shall not be so construed as to authorize any such association to hold any real estate except such as shall be actually occupied by such association in the exercises of its franchises.

Where au-
thorized to
construct
lines of tele-
graph.

Sec. 5. Such association is authorized to construct lines of telegraph along and upon any of the public roads and highways, or across any of the waters within the limits of this State, by the erection of the necessary fixtures, including posts, piers or abutments, for sustaining the cords or wires of such lines, provided the same shall not be so constructed as to incommode the public use of said roads or highways, or injuriously interrupt the navigation of said waters; nor shall

this act be so construed as to authorize the construction of any bridge across any of the waters of this State.

Sec. 6. If any person over whose lands said lines shall pass, upon which said posts, piers or abutments shall be placed, shall consider himself aggrieved or damaged thereby, it shall be the duty of the circuit court of the district within which said lands are, on the application of such person, and on notice to said association, (to be served on the president or any director,) to appoint three discreet and disinterested persons as commissioners, who shall severally take an oath before any person authorized to administer oaths, faithfully and impartially to perform the duties required of them by this act; and it shall be the duty of said commissioners, or a majority of them, to make a just and equitable appraisal of all the loss or damage sustained by said applicant, by reason of said lines, posts, piers or abutments; duplicates of which said appraisal shall be reduced to writing, and signed by said commissioners, or a majority of them; one copy shall be delivered to the applicant, and the other to the president, or any director or officer of said association or corporation, on demand; and in case any damage be adjudged to said applicant, the association or corporation shall pay the amount thereof, with cost of said appraisal; said costs to be liquidated and ascertained in said award; and said commissioners shall receive for their services two dollars for each day they are actually employed in making said appraisal.

Commissioners to assess damages.

Oath.

Compensation.

Sec. 7. Any person who shall unlawfully or intentionally injure, molest or destroy any of said lines, posts, piers or abutments, or the materials or property belonging thereto, shall, on conviction thereof, be deemed guilty of a misdemeanor and be punished by a fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding one year, or both, at the discretion of the court before which the conviction shall be had.

Penalty for intentional injury.

Sec. 8. The stockholders of every association organized in pursuance of this act, shall be jointly and severally personally liable for the payment of all debts and demands against such association, which shall be contracted, or which shall be or shall become due during the time of their holding such stock; and no stockholder shall be proceeded against for the collection of any debt or demand against such

Liability of stockholders.

association, until judgment thereon shall have been obtained against the association, and an execution on such judgment shall have been returned unsatisfied in whole or in part, or unless such association shall be dissolved.

Annual report; where filed.

Liability for neglect.

Annual tax.

How estimated and when paid.

Transfer of stock.

Sec. 9. Every such corporation shall, annually, within ten days from the first of January, make a report, which shall state the amount of capital and the amount actually paid in, the investment of any portion of the earnings of such company in its business, and the whole amount of money which has at any time been borrowed and then remaining unpaid; the commencement, general route, termination and length of the lines of the wires of such company, and the names of the places through which they pass; which report shall be signed by the president and a majority of the directors, and shall be verified by the oath of the president or secretary of such corporation, and filed in the office of the clerk of the county in which the business of any such company is carried on, and a duplicate thereof in the office of the Secretary of State; and if any such company shall fail so to do, all the directors thereof shall be jointly and severally liable for all the debts of the company then existing, and that shall be contracted before such report shall be made.

Sec. 10. All corporations formed under this act shall pay to the treasurer of the State of Michigan an annual tax of one per centum on the whole amount of capital actually paid in; and any investment of the earnings of any such company in their business, shall be considered as so much capital paid in; also upon all sums of money at any time borrowed by any such company, and then remaining unpaid in whole or in part; which tax shall be paid on the first Monday of February in each year, and shall be estimated upon the report of such company for that year, made as required by section nine of this act; and such tax shall be in lieu of all State taxes upon the real and personal estate of such company.

Sec. 11. The stock of any such corporation shall be deemed personal estate, and shall be transferrable in such a manner as shall be prescribed by the by-laws of the company; but no transfer shall be valid for any purpose whatever, except to render the person to whom it shall be transferred liable for the debts of such company, according to the provisions of this act, until the same shall have been en-

tered upon the books of the corporation, so as to show the names of the parties by and to whom transferred, the number and designation of the shares, and the date of the transfer; and no shares shall be transferrable until all previous calls or assessments thereon shall have been fully paid in, or shall have been declared forfeited for the non-payment of calls thereon. It shall not be lawful for any such corporation to use any of their funds in the purchase of, or in any manner to purchase stock in any other corporation.

Sec. 12. Service of any legal process against any such corporation may be made on the president or secretary, or if neither of them can be found in the county, then upon one of the directors of such company; and in case none of the above named officers can be found in the county, then such service may be made by leaving a copy of such process at the business office of such company in some conspicuous place.

Service of legal process; how made.

Sec. 13. It shall be the duty of the directors of every such corporation or company to cause books to be kept by the treasurer or secretary or other officers thereof, containing the names of all persons, alphabetically arranged, who are or shall within six years have been stockholders of such company, and showing their place of residence, the number of shares of stock held by them respectively, and the time when they respectively became owners of such shares, and the amount of stock actually paid in; which book shall be kept open in the principal office of every such company in every county in which such company transact business, for the inspection of stockholders and creditors of such company, and their personal representatives; and any and every such person shall have a right to make extracts from any such book. Such books shall be presumptive evidence of the facts therein stated, in favor of the plaintiff in any suit or proceeding against such company, or against any one or more stockholders. Every officer or agent of any such company who shall fail or neglect to make any proper entry in any such book, or shall neglect or refuse to exhibit the same, or allow the same to be inspected, and extracts to be taken therefrom, as provided by this section, shall be deemed guilty of a misdemeanor; and the company shall forfeit and pay to the party injured a penalty of fifty dollars for every such

Duty of directors.

Penalty for neglect of duty.

neglect or refusal, or for neglecting to keep such books open for inspection as aforesaid.

Duty of owner or association in the transmission of dispatches.

Sec. 14. It shall be the duty of the owner or association owning any telegraph line, doing business within this State, to receive dispatches from and for other telegraph lines and associations, and from and for any individual; and on payment of their usual charges for individuals for transmitting, dispatches, as established by the rules and regulations of such telegraph line, to transmit the same with impartiality and good faith, under the penalty of one hundred dollars for every neglect or refusal so to do, to be recovered, with costs of suit, in the name and for the benefit of the person or persons sending or desiring to send such dispatch.

Ibid.

Sec. 15. It shall likewise be the duty of every such owner or association, to transmit all dispatches in the order in which they are received, under the like penalty of one hundred dollars, to be recovered, with costs of suit, by the person or persons whose dispatch is postponed out of its order, as herein prescribed: *Provided, however,* That arrangements may be made with the proprietors or publishers of newspapers, for the transmission for the purpose of publication of intelligence of general and public interest, out of its regular order.

Proviso.

Penalty for divulging the nature of the contents of private communications

Sec. 16. Any person connected with any telegraph company in this State, or connected with any such company transacting business in this State, either as clerk, operator, messenger, or in any other capacity, who shall wilfully or negligently divulge the contents or the nature of the contents of any private communication entrusted for transmission or delivery to the agent, clerk, operator, messenger, or other person in the employ of such company, or who shall wilfully refuse or neglect to transmit or deliver the same, shall, on conviction before any court, be adjudged guilty of a misdemeanor, and shall suffer imprisonment in the county jail where such conviction shall be had, for a term not exceeding six months, or shall pay a fine not exceeding five hundred dollars, in the discretion of the court; and such company shall be liable to the party aggrieved for all damages sustained thereby.

Lien of the State.

Sec. 17. The State shall have a lien upon any line constructed under this act, and its appurtenances, and for all taxes which may accrue thereon to the State, by virtue of the provisions of this act.

LAWS OF MICHIGAN.

which shall have precedence of all other liens; and in case the tax or any part thereof shall remain unpaid at the time hereinbefore provided for its payment, then the State Treasurer shall have power, and it is hereby made his duty, to advertise such line for sale for the amount of such tax remaining unpaid, in some newspaper published in the city of Detroit, by giving three weeks' previous notice, and to sell the same accordingly for the amount of tax and interest, and charges of sale: *Provided*, The same shall not be paid before the time of sale; and the surplus money, if any, shall be paid to the owner or owners of such line.

Duty of state treasurer in case of non-payment of tax.

Proviso.

Sec. 18. The Legislature may at any time alter, amend or repeal this act; and any such alteration or amendment shall act as an alteration or amendment of the corporate rights of all companies formed, created, organized, or at any time doing business under its provisions; or they may annul or repeal any corporation formed under this act; but such alteration, amendment, annulling or repeal shall not, nor shall the dissolution of any such company, take away or impair any remedy given for or against any such corporation, its stockholders or officers, for any right acquired or liability which shall have been previously incurred.

Power of legislature.

Sec. 19. This act shall take effect immediately.

Approved March 26, 1851.

[No. 60.]

AN ACT directing the publication of a statement of lands to be sold in Cass county, eighteen hundred and fifty-one.

Section 1. *The People of the State of Michigan enact*, That the Auditor General shall cause the statement of the lands to be sold in the county of Cass, in October, in the year eighteen hundred and fifty-one, to be published in the National Democrat, in Cassopolis, in said county; which statement shall be published in the same manner, for the same time, and to the same effect as like statements required by law to be published in other cases.

Sec. 2. This act shall take effect immediately.

Approved March 31, 1851.

[No. 61.]

AN ACT to amend sections thirty-three, thirty-four and thirty-five, chapter seventy-nine of the revised statutes, relative to the sale of real estate on execution.

Sections 33,
34 and 35 of
chap. 79 of
revised stat-
utes of 1846,
amended.

Section 1. *The People of the State of Michigan enact*, That sections thirty-three, thirty-four and thirty-five of chapter seventy-nine of the revised statutes be severally amended as follows, viz: by inserting in the eighth line of said section thirty-three, after the word "purchaser," the words "or to the assigns of such purchaser." And also, by adding at the end of said section thirty-four, the words following: "*Provided*, That in any case under this or the preceding section, where the rights of the person or persons entitled to such real estate, or any interest therein, shall render it necessary, the circuit court of the county in which the officer who made the sale resided, on a hearing of the parties interested, properly brought before it by bill or petition, may direct the conveyance to be made to the person or persons equitably entitled thereto, in such manner as shall be just; and such conveyance shall have the same effect as provided in the preceding section:" and also by inserting in the first line of said section thirty-five, after the word "conveyed," the words "to any executor or administrator;" so that said sections, as amended, shall respectively read as follows:

"Sec. 33. After the expiration of fifteen months from the time of the sale of any real estate, if any part of the premises sold shall remain unredeemed by the person against whom the execution issued, or by any person entitled to redeem the same within one year from the time of such sale, according to the provisions of this chapter, the officer making such sale, or his successor in office, shall complete the same by executing, in due form of law, a conveyance of the premises so remaining unredeemed, either to the original purchaser or to the creditor who may have acquired the title of such original purchaser, or to the assigns of such purchaser, or to the creditor who may have purchased such title from any other creditor, as the case may be; which conveyance shall be valid and effectual to convey all the right, title and interest which was sold on such execution.

Convey-
ance, when
and to
whom to be
made.

"Sec. 34. In case the person who, by the provisions of the preceding sections, would be entitled to a conveyance of any real estate

sold by virtue of an execution, shall die before the execution of the conveyance, the officer shall execute and deliver such conveyance to the executor or administrator of the person so deceased: *Provided*, That in any case under this or the preceding section, where the rights of the person or persons entitled to such real estate, or any interest therein, shall render it necessary, the circuit court of the county in which the officer who made the sale resided, on a hearing of the parties interested, properly brought before it by bill or petition, may direct the conveyance to be made to the person or persons equitably entitled thereto, in such manner as shall be just; and such conveyance shall have the same effect as provided in the preceding section.

"Sec. 35. The real estate so conveyed to any such executor or administrator shall be held in trust for the use of the heirs of such deceased person, subject to the dower of his widow, if there be any; but the same may be sold for the payment of debts and legacies, in the same manner as lands whereof the deceased died seized."

Sec. 2. This act shall take effect immediately.

Approved March 31, 1851.

[No. 62.]

AN ACT to provide for the construction of a bridge across Grand River in the village of Jackson.

Section 1. *The People of the State of Michigan enact*, That the qualified electors of the township of Jackson in the county of Jackson, be and they are hereby authorized, at any annual township meeting of said township, to raise by a vote of a majority of the electors present a sum of money not exceeding one thousand dollars, to be levied and collected in the same manner as other township expenses, for the purpose of making, constructing and building a bridge across Grand river, on Main or St. Joseph street, in the village of Jackson, in said township, which money when collected shall be held by the treasurer of said township subject to the order and control of the common council of said village.

Sec. 2. For the purpose of determining whether the money shall be raised as provided in the preceding section, those voting in favor

Form of
ballots.

of such tax shall have written or printed on their ballots, "for the tax;" and those voting against such tax shall have written or printed on their ballots, "against the tax."

Power of
common
council.

Sec. 3. The common council of the said village of Jackson shall have the direction of the making, constructing and building said bridge, and may provide for its construction by contract or otherwise, and may issue orders upon the said township treasurer for the amount hereinbefore authorized to be raised; and the township treasurer is hereby required to pay the amount of such orders, out of any moneys in his hands raised for that purpose. The said township treasurer shall have the same fees for collecting and disbursing said moneys as in other cases.

Fees of
township
Treasurer.

Sec. 4. The village of Jackson shall be deemed a portion of the township of Jackson for the purposes hereinbefore mentioned.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 31, 1851.

[No. 63.]

AN ACT to establish a circuit court in the county of Montcalm.

Two terms
of C. Court
to be held
annually.

Section 1. *The People of the State of Michigan enact*, That two terms of the circuit court be held in the county of Montcalm during the present year, (eighteen hundred and fifty-one,) and two terms of said court in each year thereafter, at such times as shall be hereafter appointed.

Cir. Judge
to appoint
the times of
holding
terms of
Cir. Court.

Sec. 2. The circuit judge of the fifth circuit, within twenty days after the appointment of a judge for the said circuit, is hereby authorized and required to appoint the times of holding the terms of the circuit court in the county of Montcalm, required by the preceding

Copy of ap-
pointment
to be trans-
mitted to
Co. Clerk.

section, and transmit to the county clerk of said county of Montcalm a copy of such appointment, which shall be filed and preserved by such clerk; and such clerk shall cause such appointment to be published once in each week for three successive weeks, in the Grand Rapids Enquirer, a paper published in the county of Kent, the last

Duty of
Co. Clerk.

publication to be at least twenty days prior to the holding of such court.

Sec. 3. This act shall take effect immediately.

Approved March 31, 1851.

[No. 64.]

AN ACT to amend section six of chapter eighty-four of title twenty of the revised statutes, relative to divorce.

Section 1. *The People of the State of Michigan enact*, That section six of chapter eighty-four and title twenty of the revised statutes, shall be and is hereby amended by adding at the end of said section the following, to stand as sub-division six: Sec. 6 of chapter 84 of revised statutes of 1846, amended.

"6. And the circuit courts may, in their discretion, upon application as in other cases, divorce from the bonds of matrimony, any party who is a resident of this State, and whose husband or wife shall have obtained a divorce in any other State;" so that said section, as amended shall read as follows:

"Sec. 6. A divorce from the bonds of matrimony may be decreed by the circuit court of the county where the parties, or one of them, reside, or by the court of chancery, on the application by petition or bill of the aggrieved party, in either of the following cases: Divorce from bonds of matrimony, for what cause may be granted.

"1. Whenever adultery has been committed by any husband or wife;

"2. When one of the parties was physically incompetent at the time of the marriage;

"3. When one of the parties has been sentenced to imprisonment in any prison, jail or house of correction, for three years or more; and no pardon granted to the party so sentenced, after a divorce for that cause, shall restore such party to his or her conjugal rights;

"4. When either party shall desert the other for the term of two years;

"5. When the husband or wife shall have become an habitual drunkard;

"6. And the circuit courts may, in their discretion, upon application as in other cases, divorce from the bonds of matrimony, any

party who is a resident of this State, and whose husband or wife shall have obtained a divorce in any other State."

Approved March 31, 1851.

[No. 65.]

AN ACT to amend section three of an act entitled an act to amend an act to incorporate the Indiana and Adrian Plank Road Company, approved April 3d, 1850.

Sec. 3 of act
No. 65
of 1850,
amended.

Section 1. *The People of the State of Michigan enact*, That section three of an act to amend an act entitled an act to incorporate the Indiana and Adrian plank road company, approved April third, eighteen hundred and fifty, be and the same is hereby amended by striking out the word "two," in the third line, and inserting the word "five;" so that said section will read as follows:

Time extended.

"Sec. 3. The said plank road company shall have the right and privilege to commence the construction of said plank road at any time within five years from the passage of this act: if they shall within that time commence said construction and actually expend thereon ten per cent of the capital stock of said company, they shall be entitled to all the rights and privileges granted the said company in the act incorporating the same, in the same manner and to as full an extent as if they had commenced work and made such expenditures within the time provided in said act of incorporation."

Approved March 31, 1851.

[No. 66.]

AN ACT to amend sections one and three of an act entitled an act to authorize F. G. Hubinger and A. Cramer to erect and maintain a dam across the Cass river, in the county of Saginaw, approved March twentieth, eighteen hundred and forty-eight.

Sec. 1 of act
No. 66 of
1848, amended.

Section 1. *The People of the State of Michigan enact*, That the name of F. G. Hubinger be stricken out of section one of an act to authorize F. G. Hubinger and A. Cramer to erect and maintain a dam across the Cass river in the county of Saginaw, approved March twentieth, eighteen hundred and forty-eight, and the name of John

G. Hubinger inserted; and after the word "Cramer," the words "or either of them," be inserted; so that said section when amended will read, after the enacting clause, as follows:

"Section 1. That it shall be lawful for John G. Hubinger and A. Cramer, or either of them, their heirs and assigns, and they are hereby authorized to erect, continue and maintain a dam not exceeding eight feet in height above common low water mark, across the Cass river, on section twenty-seven, in town eleven north of range six east, in Saginaw county."

Dam authorized.

Sec. 2. That section three of said act be so amended as to read as follows:

Sec. 3 amended.

"Sec. 3. Any person who shall destroy or otherwise injure said dam shall be deemed to have committed a trespass on the owner or owners or occupant thereof, and shall be liable accordingly; but nothing herein contained shall be construed to affect the rights of individuals whose land may be flowed by reason of the erection of or continuing said dam."

Liability for trespass.

Approved March 31, 1851.

[No. 67.]

AN ACT to amend section one of an act entitled an act for the relief of Thomas N. Bartlett, approved April twentieth, eighteen hundred and fifty.

Section 1. *The People of the State of Michigan enact*, That section one of an act entitled an act for the relief of Thomas N. Bartlett, approved April twentieth, eighteen hundred and fifty, be and the same is hereby amended by striking out the word "north," in the sixth line of said section, as printed, and inserting the word "south;" also by striking out the words "or the office [officer] designated by law to perform the duties heretofore devolving upon the Commissioner of the Land Office, a new deed or patent," in the seventh, eighth and ninth lines of said section, and inserting in lieu thereof the words "a new certificate;" so that said section shall read as follows, to wit:

Sec. 1 of act No. 329 of 1850, amended.

"Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Thomas N. Bartlett is hereby

Entitled to
new certifi-
cate for cer-
tain lands

authorized, upon the payment of the sums due, together with the interest thereon, to the school fund, upon the purchase of the east half of the north-west quarter and the south-west quarter of the north-east quarter of section sixteen, township four south of range five west, to receive from the Commissioner of the Land Office a new certificate for said land; and said Bartlett is hereby restored to all the rights in and to said premises forfeited by the non-payment of the sums now and heretofore due upon the purchase of said premises: *Provided*, That said Bartlett shall not be entitled to the benefit of the provisions of this act, unless payment in full for all arrearages of interest due upon the premises described shall be made within two years from the passage of this act: *Provided further*, That the above described land shall not have been located by any other person."

Proviso.

Proviso

Sec. 2. This act shall be in force from and after its passage.

Approved March 31, 1851.

[No. 68.]

AN ACT to amend an act to incorporate the Peninsular Mutual Fire and Marine Insurance Company, approved March twelfth, eighteen hundred and forty-four.

Sec. 5 of
act No. 87
of 1844,
amended.

Section 1. *The People of the State of Michigan enact*, That section five of the act to incorporate the peninsular mutual fire and marine insurance company, approved March twelfth, eighteen hundred and forty-four, be and the same is hereby amended so as to read as follows:

Officers.

Election.

Term.

"Sec. 5. The stock, property and affairs of said company shall be managed and conducted by five directors, each of whom shall be a stockholder, a citizen of the United States, and a resident of this State; they shall elect from their number a president annually, and in their discretion a vice president; they shall hold their offices until others are elected in their stead; three of whom, including the president or vice president, shall constitute a quorum for the transaction of business; and at any regular meeting of any board of directors of said company, it shall be competent for any director not residing in the city of Detroit, to vote upon any question which may arise at such meeting, by proxy or attorney duly constituted; and said proxy or attorney shall be a director for the time being."

Sec. 2. That section eight of said act be and the same is hereby Sec 8 amended. amended so as to read as follows:

"Sec. 8. That the directors so elected, or any three of them, including the president or vice president, shall transact the business of said company."

Sec. 3. That section eighteen of said act be and the same is here- Section 18 amended. by amended so as to read as follows:

"Sec. 18. The directors may invest the capital stock or accumulated profits of said stocks in stocks of the United States or of any of the several States, or in bonds or stocks of the Michigan Central Railroad company, or of the city of Detroit, or in loans upon bonds and mortgages on unincumbered real estate, of the value of at least fifty per cent. more than the amount loaned thereon." Directors may invest capital and profits in certain stocks.

Sec. 4. That the said corporation, now known by the name of the Detroit Fire and Marine Insurance company, shall be entitled to all the benefits and liable to all the provisions of this act, if, within sixty days after the passage thereof, they shall file in the office of the Sec- Certificate of acceptance, where filed. retary of State a certificate signed by the president and a majority of the directors of such company, accepting the provisions of this act.

Sec. 5. This act shall take effect immediately.

Approved March 31, 1851.

[No. 69.]

AN ACT to amend section two of an act to incorporate the Flint and Fentonville Plank Road Company, approved April three, eighteen hundred and forty-eight.

Section 1. *The people of the State of Michigan enact*, That section two of "an act to incorporate the Flint and Fentonville Plank Road Company," approved April three, eighteen hundred and forty-eight, be and the same is hereby amended so as to read as follows: Sec. 2 of act No. 271 of 1848, amended.

"Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings, from the village of Flint to the village of Fentonville, on the line of Route. the State road between said villages, or as near said line as shall be practical, in whole or in part; and they are hereby authorized to commence the construction thereof within three years from the time When to commence construction. limited in the act relative to plank roads, approved March thirteenth,

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eighteen hundred and forty-eight, and within the same time to expend the amount required by said act to be expended, and perform other duties therein required."

Approved April 2, 1851.

[No. 70.]

AN ACT to organize the township of Cheshire, in the county of Allegan.

Township
of Cheshire
organized.

Section 1. *The People of the State of Michigan enact*, That township number one north of range number fourteen west, now forming a part of the township of Trowbridge, in the county of Allegan, be and the same is hereby set off from said township of Trowbridge, and organized into a separate township by the name of Cheshire, and that the first township meeting therein shall be held at the house of Samuel Lane, in said township.

Sec. 2. This act shall take effect and be in force from and after the first Monday in April, eighteen hundred and fifty-two.

Approved April 2, 1851.

[No. 71.]

AN ACT to legalize the conveyance by the board of supervisors of Hillsdale county of a portion of the public square in the village of Jonesville to E. P. Champlin.

Conveyance
of certain
lands to E.
P. Champlin
legalized.

Section 1. *The People of the State of Michigan enact*, That the conveyance of a portion of the public square in the village of Jonesville in the county of Hillsdale, lying on the south side of the Chicago road, made by the board of supervisors of said county of Hillsdale to Elisha P. Champlin, on the twenty-first day of September, one thousand eight hundred and forty-two, be and the same is hereby ratified, confirmed, and made as valid in law as it would have been had the said board of supervisors been particularly authorized and empowered by law to execute the said conveyance at the time the same was made, and effectual in transferring to the said Champlin a fee simple title therein.

Sec. 2. This act shall take effect immediately.

Approved April 2, 1851.

[No. 72.]

AN ACT relative to Land Sales in Ottawa County.

Section 1. *The People of the State of Michigan enact*, That the Auditor General shall cause the statement of the lands to be sold for taxes in the county of Ottawa, in October, in the year eighteen hundred and fifty-one, to be published in "The Hollander," (a paper published in said county,) which statement shall be published in the same manner, for the same time and to the same effect as like statements required by law to be published in other cases.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1851.

[No. 73.]

AN ACT to change the names of Eliza J. Robson and Catharine Robson.

Section 1. *The People of the State of Michigan enact*, That the names of Eliza J. Robson and Catharine Robson, be and the same are hereby changed; Eliza J. Robson to Eliza J. Twitchel, and Catharine Robson to Catharine Twitchel.

Sec. 2. This act shall take effect immediately.

Approved April 2, 1851.

[No. 74.]

AN ACT to amend section seventy-six, chapter fifty-eight, title eleven of the revised statutes of eighteen hundred and forty-six, in relation to primary schools.

Section 1. *The People of the State of Michigan enact*, That section seventy-six of chapter fifty-eight, title eleven of the revised statutes of eighteen hundred and forty-six, be amended by inserting at the end of said section the following: "*Provided*, That no real estate thus set off, and which shall not have been taxed for the purchase or building of such school house, shall be entitled to any portion thereof, nor to be taken into account in such division of district property;" so that said section shall read as follows:

Sec 76
chap. 58 of
revised stat-
utes amen-
ded.

How proportion to be ascertained.

"Sec. 76. Such proportion shall be ascertained and determined according to the value of the taxable property of the respective parts of such former district at the time of the division, by the best evidence in the power of the inspectors; and such amount of any debt due from the former district, which would have been a charge upon the new, had it remained in the former district, shall be deducted from such proportion: *Provided*, That no real estate thus set off, and which shall not have been taxed for the purchase or building of such school house, shall be entitled to any portion thereof, nor be taken into account in such division of district property."

Proviso.

Approved April 2, 1851.

[No. 75.]

AN ACT to amend section one of an act entitled an act in aid of the Michigan State Agricultural Society, approved March 31, 1849.

Sec. 1 of act No. 197 of 1849, amended.

Section 1. *The People of the State of Michigan enact*, Strike out section one of an act entitled an act in aid of the Michigan State agricultural society, approved March thirty-first, eighteen hundred and forty-nine, and substitute instead of said section the following, to wit:

Appropriation of \$400 per annum to Agricultural Society, on certain conditions.

"Section 1. *The People of the State of Michigan enact*, That when the treasurer of the Michigan State agricultural society shall make and subscribe an affidavit of the fact that such society has raised the sum of four hundred dollars by voluntary subscriptions or by fees for membership, and shall present the same to the Auditor General, it shall be the duty of the Auditor General to draw his warrant upon the State Treasurer for a like sum of four hundred dollars, to be paid to the said treasurer of the Michigan State agricultural society, at least ten days prior to the time which shall be appointed for the next annual meeting and fair of said society; and a like appropriation is hereby made to be paid in like manner and upon the same conditions, for the year eighteen hundred and fifty; and the sum of one thousand dollars for the year eighteen hundred and fifty-one and eighteen hundred and fifty-two, to be paid in like manner and upon the same conditions."

\$1,000 for 1851 and 1852.

Approved April 2, 1851.

[No. 76.]

AN ACT to amend sections twenty-five and twenty-six of chapter one hundred and twenty-three, title twenty-four of the revised statutes of eighteen hundred and forty-six, concerning proceedings to recover the possession of land in certain cases.

Section 1. *The People of the State of Michigan enact, That sections twenty-five and twenty-six of chapter one hundred and twenty-three, title twenty-four of the revised statutes of eighteen hundred and forty-six, concerning proceedings to recover the possession of land in certain cases, be and the same are amended by striking out section twenty-five, and substituting a new section to stand as section twenty-five; also by striking out the word "ten," in the second line of section twenty-six, as printed, and inserting the word "five;" so that said sections when amended will read as follows, to wit:*

"Sec. 25. Either party conceiving himself aggrieved by the determination or judgment of the commissioner or judge, made or rendered under the provisions of this chapter, may appeal therefrom to the circuit or district court for the same county, within the same time, in the same manner, and a return may be compelled, and the same proceedings shall be thereupon had, as near as may be, and with the like effect, as in cases of appeals from judgments rendered before justices of the peace, and costs shall be awarded and collected in the circuit court in the same manner. But before any appeal by a defendant shall be allowed, he shall, in addition to the usual recognition, make and execute to the complainant a bond, in the penalty to be fixed by the judge or commissioner, not less than twice the amount of the annual rent of the premises in dispute, with good and sufficient sureties, who shall justify, and also be approved by said judge or commissioner, conditioned that if the complainant obtain restitution of said premises in said suit, the said defendant will forthwith pay all the rent due or to become due the complainant for the premises described in the complaint, up to the time said complainant shall obtain possession thereof, together with costs of suit in prosecuting said complaint and obtaining restitution of said premises; which bond shall be delivered to said complainant, or his agent or attorney; and if the complainant obtain restitution of said premises, he may, at his election, sue and recover on said bond, or bring his action against the defendant, under section twenty-four of this chapter."

Sections 25 and 26 of chap. 123 of the revised statutes of 1846 amended.

Appeal; when made.

Bond required.

How complainant obtaining restitution may recover damages.

When writ of restitution not to issue on judgment. "Sec. 26. No writ of restitution shall be issued under the provisions of this chapter, until the expiration of five days after the entry of judgment of restitution; and in case of an appeal within that time, no writ of restitution shall issue until such appeal be determined in the circuit court."

Approved April 2, 1851.

[No. 77.]

AN ACT to authorize the Treasurer of the township of Ridgeway, Lenawee county, to collect certain taxes.

Preamble.

Whereas, by an act approved March twenty-eighth, eighteen hundred and fifty, entitled "an act to organize certain townships, and for other purposes," sections thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six of the township of Ridgeway, in Lenawee county, were taken from the said township of Ridgeway and attached to the township of Blissfield, in said county;

And whereas, the supervisor of the township of Ridgeway, before having any knowledge of the passage of the said act, proceeded, at the time prescribed by law for the assessment of taxes, to assess taxes for the year eighteen hundred and fifty, upon the sections above described, and the supervisor of the township of Blissfield aforesaid, for the same reason, made no assessment of taxes thereon for said year; therefore,

Power of township treasurer.

Section 1. *The people of the State of Michigan enact*, That the present treasurer of the township of Ridgeway is hereby authorized and empowered to collect the taxes assessed in the year one thousand eight hundred and fifty, on the sections which were, by the act to organize certain townships, and for other purposes, approved March twenty-eighth, eighteen hundred and fifty, taken from the township of Ridgeway and attached to the township of Blissfield, and make return thereof to the treasurer of the county of Lenawee, on or before the first Monday in June next after the passage of this act.

When and where to make return of taxes.

Warrant renewed.

Sec. 2. For the purposes mentioned in the first section of this act, the warrant attached to the assessment roll of said township of Ridgeway for the year one thousand eight hundred and fifty, is hereby renewed and continued in force until the said first Monday in June.

Sec. 3. It shall be the duty of the said treasurer, before he shall be entitled to the benefits of this act, to pay over all moneys collected in the lifetime of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of the county of Lenawee,

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be by him returned to the Auditor General, in like manner and with like effect as they would have been if said sections had not been taken from the township of Ridgeway and attached to the township of Blissfield; and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time as they would have been for the year eighteen hundred and fifty, if said sections had not been taken from the township of Ridgeway and attached to the township of Blissfield, and had been duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 2, 1851.

[No. 78.]

AN ACT to amend an act to incorporate the Mt. Clemens and Romeo Plank Road Company.

Section 1. *The People of the State of Michigan enact, That the* Mt. Clemens and Romeo Plank Road Company shall have power to continue and extend said plank road from some point in the village of Almont, in the county of Lapeer, on the most eligible route to the Imla Mills, (so called,) now owned and occupied by Samuel Rogers & Co., in the township of Imlay, in said county of Lapeer. And also to continue and extend said plank road from the point of the commencement of its surveyed and recorded route, on the westerly line of Court street, in the centre of Cass street, in the village of Mt. Clemens, in the county of Macomb, by the way of Court street, Macomb street, and Front street, to a point in the centre of Front street, opposite or near to the glass manufactory in said village of Mt. Clemens. And the directors of said company may

change the location of the road through the village of Romeo, to any other street than that on which the same has been located, first obtaining consent of the proper authorities to take and use any other street for that purpose.

Approved April 2, 1851.

[No. 79.]

AN ACT to provide for auditing and paying the expenses of the Constitutional Convention.

Board of State Auditors authorized and required to audit certain claims.

Section 1. *The People of the State of Michigan enact*, That the Board of State Auditors be hereby required to audit the claims of C. J. Fox, one of the reporters, John Swegles, Jr, and Horace S. Roberts, secretaries of the constitutional convention, for services rendered in pursuance of resolutions of said convention, adopted August fifteenth, eighteen hundred and fifty, and also all other claims against the State for or on account of expenditures of the convention to revise the constitution, including the translation and publication of said revised constitution, and to certify to the Auditor General the amount found due to the said claimants respectively: *Provided*, That weekly, semi-weekly, tri-weekly and daily newspapers publishing the constitution be considered but one newspaper: *Provided further*, That no claim shall be paid from the appropriation made in this act, until the same shall have been first audited and settled by the State Auditors, the amount paid to C. J. Fox not to exceed three dollars a day for the time actually and necessarily employed, and the amount paid for binding debates not to exceed the customary price for such work.

Amount found due to be certified to Auditor General.

Proviso.

Proviso.

Amount of claims, how paid.

Sec. 2. The Auditor General shall draw his warrant upon the State Treasurer in favor of the respective claimants for the amounts so certified to be due them, and the State Treasurer shall pay said warrants on presentation, out of any moneys appropriated for that purpose.

Amount appropriated.

Sec. 3. The sum of six thousand dollars is hereby appropriated out of any moneys belonging to the general fund, for the purposes above specified.

Sec. 4. This act shall take effect immediately.

Approved April 4, 1851.

[No. 80.]

AN ACT to authorize and direct the Secretary of State to execute by deed a conveyance of a certain tract of land to Robert B. McKay.

Section 1. *The People of the State of Michigan enact*, That the Secretary of State be and he is hereby authorized and directed to execute a proper deed of conveyance of the south-east fraction of fractional section number sixteen, in township seven south of range number eight east, to Robert B. McKay, late of Monroe county.

Sec. 2. This act shall take effect immediately.

Approved April 4, 1851.

[No. 81.]

AN ACT to amend sections one and two of an act entitled an act to incorporate the Pioneer Smelting Company of the Upper Peninsula of Michigan, approved March 10, 1847.

Section 1. *The People of the State of Michigan enact*, That section one of an act to incorporate the Pioneer Smelting company of the upper peninsula of Michigan, be and the same is hereby amended so as to read as follows: Sec. 1 of act No. 54 of 1847, amended.

"Section 1. That Mortimer Livingston, Samuel Ward, John F. Butterworth, Fulton Cutting, Henry Ledyard, Israel Coe and J. N. Elliott, are hereby constituted a body corporate, by the name of the Pioneer Smelting Company, for the purpose of mining, smelting and manufacturing iron, copper and other metals, (except precious metals,) in the upper peninsula of Michigan, and in such other place or places within the State, as said company may hereafter determine upon, in all the varieties of manufacture of which said metals are capable of being wrought, and to have and exercise all the powers necessary for the same." Names of corporators.

Sec. 2. That section two of said act be and the same is hereby amended by striking out the word "fifty," and substituting the word "twenty," so that said section shall read: Sec 2 amended.

"Sec. 2. The said corporation shall have succession, and its capital stock shall be two hundred thousand dollars, in shares of twenty dollars each, and shall only hold, either by purchase or otherwise, Capital stock.

such real estate as shall be necessary for the exercise of its corporate franchises, not exceeding three thousand acres at any one time."

Certificate
of accept-
ance;
where filed.

Sec. 3. This act shall take effect whenever the said company shall file their acceptance of the same in writing, signed by the president or a majority of directors of said company, in the office of the Secretary of State: *Provided*, Such acceptance shall be so filed within six months from the passage of this act.

Approved April 4, 1851.

[No. 82.]

AN ACT to amend chapter sixty, title twelve of the Revised Statutes.

Sec. 5 of
chapter 60
of the revised
statutes
of 1846
amended.

Section 1. *The People of the State of Michigan enact*, That section five of chapter sixty, title twelve of the revised statutes, be amended by adding to said section the words following, to wit: "and any purchaser of the right, title and interest of an original purchaser, his heirs or assigns, at an execution or mortgage sale, shall be deemed an assignee of the person whose right, title and interest was sold by virtue of such execution or mortgage;" so that said section as amended shall read as follows, to wit:

Time of
payment of
balance of
principal
due optional
with certain
purchasers.

"Sec. 5. Any purchaser of university or school lands, his heirs or assigns, who shall have paid on or before the first day of March, one thousand eight hundred and forty-two, a sum equal to twenty per cent of the purchase money on his certificate, together with the interest up to said day; and any person who shall have become such purchaser since the thirteenth day of April, in the year one thousand eight hundred and forty-one, his heirs or assigns, who shall have paid according to the terms of his certificate, shall be privileged to pay the balance of principal due on his purchase at any time thereafter at his option; but in all cases the interest on the unpaid balance of principal shall be paid on or before the first day of January, or within sixty days thereafter, in each and every year; and any purchaser of the right, title and interest of the original purchaser, his heirs or assigns, at an execution or mortgage sale, shall be deemed an assignee of the person whose right, title and interest was sold by virtue of such execution or mortgage."

Interest on
unpaid
principal
where paid.

Sec. 3. Section eight of said chapter is hereby amended by adding thereto the words following: "and the Governor shall in like manner sign and cause to be issued patents of said land to any purchaser of the right, title and interest of the original purchaser, his heirs or assigns, at an execution or mortgage sale, upon the presentment to him of the certificate of the commissioner that the whole amount of principal and interest due thereon has been paid according to law, and that such purchaser at execution or mortgage sale is entitled to a patent for the lands described in such certificate;" so that the same as amended shall read as follows, to wit:

"Sec. 8. The Governor of the State shall sign and cause to be issued patents for said lands as described in the certificates of sale, whenever the same shall be presented to him, with the further certificate of the commissioner endorsed thereon, that the whole amount of principal and interest specified therein has been paid according to law, and that the holder of the certificate of purchase is entitled to a patent of the lands described therein; and the Governor shall in like manner sign and cause to be issued patents of said lands to any purchaser of the right, title and interest of the original purchaser, his heirs or assigns, at an execution or mortgage sale, upon the presentment to him of the certificate of the commissioner that the whole amount of principal and interest due thereon has been paid according to law, and that such purchaser at execution or mortgage sale is entitled to a patent for the lands described in such certificate."

Approved April 4, 1861.

[No. 63.]

AN ACT to authorize the incorporation of Bridge Companies.

Section 1. *The People of the State of Michigan enact, That any number of persons may associate for the purpose of constructing a bridge over any stream, not less than three hundred feet across, upon such terms and conditions and subject to the liabilities prescribed in this act, and to take and receive such amount of toll for the passage of persons, teams, vehicles and animals across such bridge, as the board of supervisors in the county or counties in which such bridge is situated may prescribe, as hereinafter provided.*

Incorporation of bridge companies authorized.

Specifi-
cations of cer-
tificate.

Sec. 2. Such persons, under their hands and seals, shall make a certificate which shall specify:

1st. The name assumed to distinguish such company, and to be used in its dealings, and by which it may sue and be sued;

2nd. The place where and the stream over which such bridge is to be constructed;

3d. A description of the bridge proposed to be constructed;

4th. A statement of the amount of the capital stock of such company, and the number of shares into which the capital stock shall be divided;

5th. The names and places of residence of the share holders, and the number of shares held by each of them respectively;

Certificate
of incorpo-
ration;
where filed.

6th. The term of its existence, not to exceed thirty years; which certificate shall be proved or acknowledged, as deeds are required to be acknowledged, and recorded in the office of the clerk of the county where such bridge is to be constructed, and a copy thereof filed in the office of the Secretary of State.

Incorpora-
tion.

Sec. 3. Upon complying with the provisions of the last preceding section, such company shall be and is hereby declared to be a body corporate, by the name designated in said certificate; and a copy of said certificate duly certified by the clerk of the county where the same is filed and recorded, or by the Secretary of State, may be used as evidence in all courts and places, for and against any such company.

Company
may hold
real estate.

Sec. 4. Such company shall have power to purchase, receive, hold and convey such real estate, and such only, as may be necessary for the erection of such bridge and the necessary toll-houses, and for effectually carrying on the operations of such association, and may appoint such directors, officers and agent, and make such prudential rules, regulations and by-laws as may be necessary in the transaction of their business, not inconsistent with the laws of this State or of the United States.

Assent of
board of su-
pervisors to
be obtained
before con-
struction of
any bridge.

Sec. 5. No company formed or created under this act shall construct any bridge across any stream until they shall have obtained the assent of the board of supervisors of the county in which the same is to be constructed; and if such proposed bridge is to be constructed partly in two counties, the assent of the board of supervi-

sors in each county shall be first obtained as shall be provided by law.

Sec. 6. The board of supervisors of the county in which [any] such bridge is to be constructed, shall, at the time of granting such assent Duty of supervisors. to the construction of such bridge, or previous to any toll being taken for passing the same, fix and establish the rates of toll to be paid for passing such bridge; and if such bridge shall be situated in more than one county, the board of supervisors of each county shall, at the request of the directors of such company, and at the expense of the company, meet on some day to be agreed upon, at the site of such bridge, and shall act as one board, and may appoint their own clerk and chairman, in determining such rates of toll; and in either case such rates of toll shall be certified by such board, and a printed copy of such certificate shall be at all times kept up in some conspicuous place on such bridge. And if such company, or any gate keeper in their employ, shall at any time take or receive any greater sum for toll than shall have been so fixed, such company shall be liable to a Liability of company in reference to tolls. penalty of ten dollars for every such offence, with costs of suit, to be recovered by the person aggrieved. And after said tolls shall have been so fixed, they shall remain fixed for the term of ten years, when they may be again fixed by the supervisors as aforesaid. But such toll shall not at any time be reduced so that the sum shall amount to less than fifteen per cent a year upon the cost of the bridge. If any such bridge should at any time be out of repair, so as to render the passage of teams and vehicles dangerous [or] inconvenient, no tolls shall be taken or received for passing over the same, till the same shall be repaired and put in good order. For every violation of this provision, the company shall forfeit and pay to the party aggrieved a penalty of ten dollars for such violation, together with all damages that may be sustained by reason of such bridge not being kept in repair. Other liabilities.

Sec. 7. Any person who shall unlawfully or intentionally injure or destroy any bridge, piers or abutments, or the materials, appurtenances or property belonging thereto, shall, on conviction thereof, be Penalty for intentional injury. deemed guilty of a misdemeanor, and be punished by a fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding one year, or both, at the discretion of the court before which conviction shall be had.

Individual
liability.

Sec. 8. The stockholders of every company organized in pursuance of this act, shall be jointly and severally personally liable for the payment of all debts and demands against such association, which shall be contracted, or which shall be or shall become due during the time of their holding such stock, for any labor or services done or performed for such company; but no stockholder shall be proceeded against for the collection of any debt or demand against such company, until judgment thereon shall have been obtained against the association, and an execution on such judgment shall have been returned unsatisfied in whole or in part, or unless such association shall be dissolved.

Corporation
to make an-
nual report.

Sec. 9. Every such corporation shall, annually, within ten days from the first of January, make a report, which shall state the amount of capital and the amount actually paid in, the investment of any portion of the earnings of such company in its business, and the whole amount of money which has at any time been borrowed and then remaining unpaid; and the amount of tolls received for passing such bridge for the year then last past; which report shall be signed by the president and a majority of the directors, and shall be verified by the oath of the president or secretary of such corporation, and filed in the office of the clerk of the county in which any portion of such bridge is situated. And if any such company shall fail so to do, all the directors thereof shall be jointly and severally liable for all the debts of the company then existing, and that shall be contracted before such report shall be made.

Where filed.

Capital
stock not to
be taxed as
such.

Sec. 10. The capital stock of such company shall not be taxed as such; but the bridge, with its appurtenances, gates and toll-houses, shall be assessed at its true cash value, to the company by their corporate name, as personal property in the township in which the toll shall be received; and in case such tax shall not be paid before the collecting officer shall be bound to make return of the same, no toll shall be taken after such default of payment, until the same, with interest at twenty-five per cent, shall have been duly paid. For any violation of this provision, any such company shall forfeit its corporate franchises.

Assessment.

Sec. 11. The stock of any such corporation shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the company; but no transfer shall be valid for any purpose whatever, except to render the person to whom it shall be transferred liable for the debts of such company, according to the provisions of this act, until the same shall have been entered upon the books of the corporation, so as to show the names of the parties, by and to whom transferred, the number and designation of the shares, and the date of the transfer; and no shares shall be transferable until all previous calls of assessment thereon shall have been fully paid in, or shall been declared forfeited for the non-payment of calls thereon. It shall not be lawful for any such corporation to use any of their funds in the purchase of, or in any manner to purchase stock in, any other corporation.

Stock to be deemed personal estate, and how transferable.

Restriction of corporation.

Sec. 12. Service of any legal process against any such corporation may be made on the president or secretary, or if neither of them can be found in the county, then upon any one of the directors of such company; and in case none of the above named officers can be found in the county, then such service may be made by leaving a copy of such process with the person receiving tolls at such bridge.

Service of legal process; how made.

Sec. 13. It shall be the duty of the directors of every such corporation or company to cause books to be kept by the treasurer, secretary or other officers thereof, containing the names of all persons, alphabetically arranged, who are or shall within six years have been stockholders of such company, and showing their places of residence, the number of shares of stock held by them respectively, and the time when they respectively became owners of such shares, and the amount of stock actually paid in; which book shall be kept open in the office of the receiver of tolls at the bridge, for the inspection of stockholders and creditors of such company and their personal representatives; and any and every such person shall have a right to make extracts from such book. Such books shall be presumptive evidence of the facts therein stated in favor of the plaintiff, in any suit or proceeding against such company or against any one or more stockholders. Every officer or agent of such company, who shall fail or neglect to make any proper [entry] in any such book, or shall neglect or refuse to exhibit the same, or allow the same to be inspected

Duty of directors.

Liability for neglect of duty.

and extracts to be taken therefrom as provided by this section, shall be deemed guilty of a misdemeanor, and the company shall forfeit and pay to the party injured a penalty of fifty dollars for every such neglect or refusal, or for neglecting to keep such books open for inspection as aforesaid.

Duty of
board of su-
pervisors.

Sec. 14. If any person shall at any time make complaint in writing, to any board of supervisors, and deliver the same to the clerk of such board, in any county in which any such bridge or any part thereof is situated, that such bridge is out of repair, such board or the clerk thereof shall cause notice to be given to the gate keeper or receiver of tolls of the time at which said board will hear such complaint; and at the time specified in such notice, unless the board shall be satisfied that such bridge has been since repaired, they shall proceed to hear the evidence that may be produced touching the matter aforesaid; and they may order such bridge to be repaired within such reasonable time as they may think proper; and shall cause notice thereof to be given to some director or the receiver of tolls; and if the same shall not be repaired within the time so fixed, or within ten days thereafter, such board may declare the [said] bridge forfeited to the township in which the same is situated; and the said bridge, and all its appurtenances, shall thereupon become vested in such township as a free bridge.

May compel
Co. to keep
bridge in
repair.

Subject to
general
laws.

Sec. 15. The Legislature may at any time alter or amend this act, and all companies formed under this act shall at all times be subject to all general laws in force relative to bridge companies.

Sec. 16. This act shall take effect immediately.

Approved April 4, 1861.

[No. 84.]

AN ACT to establish the township line between the townships of Clinton and Harrison, in the county of Macomb.

Section 1. *The People of the State of Michigan enact*, That the township line between the townships of Clinton and Harrison, in the county of Macomb, shall be on the following described line: "Commencing at a stake on the north line of the township of Erin, bearing tree, elm, forty inches diameter, north, sixty-seven and one-

third degrees east, three hundred and ninety-seven links distant, said stake also twenty-five chains west on the aforesaid north line of the town of Erin, from the stake at the point where said north line of Erin intersects the waters of Lake St. Clair; thence north, two degrees thirty-eight minutes east, two hundred and ninety-two chains and fifty-seven links, to a buttonwood stump on the north bank of the Clinton river, said stump being the south west corner of George Kellogg's farm, (now Theron Shook's;) thence north, two degrees and thirty-eight minutes east, on said west line of said Theron Shook's farm, to the north-west corner thereof; thence due north until it intersects the south line of the township of Macomb, being town three north of range thirteen east."

Approved April 4, 1851.

[No. 85.]

AN ACT to regulate proceedings in attachment against foreign corporations in certain cases.

Section 1. *The People of the State of Michigan enact*, Whenever an action shall be commenced by attachment against a foreign corporation, and proceedings by garnishment shall also be commenced in the same action, if it shall appear on the return of the writ of attachment, that a copy thereof, and also copies of all garnishee summons issued in said action, have been personally served on any officer, member, clerk or agent of such foreign corporation within this State, the same proceedings may be thereupon had in said action against said corporation, and in the same manner, as upon the return of a summons personally served in actions against natural persons.

Proceedings in attachment against foreign corporations; how regulated.

Sec. 2. The rights and liabilities of garnishees in such cases, and the proceedings against them, shall be the same in all respects as is provided by law in other cases of garnishment.

Approved April 4, 1851.

[No. 86.]

AN ACT authorizing the board of State Auditors to examine and settle the claim of Eneas Daly.

Section 1. *The People of the State of Michigan enact*, That the

Board of
State Audi-
tors autho-
rized to set-
tle claim of
Eneas Daly.

Provided.

board of State Auditors be and they are hereby required to examine and settle the claim of Eneas Daly for damages to him occasioned by the commissioner of the State Land Office, in apportioning and distributing certain salt spring lands on sections one (1) and twelve, (12,) in the township of Saline in the county of Washtenaw, on which said Daly resided, and by which apportionment he was excluded from an share thereof: *Provided*, The said Eneas Daly shall first stipulate in writing that the finding and decision of the said board of State Auditors shall be and remain a final adjustment of said matter between him and the State, and also upon the said Eneas Daly producing satisfactory evidence that he is legally or equitably entitled to the amount of any damages; and if the board shall find the said Daly entitled to any damages, they shall certify the amount so found due the said Eneas Daly to the Auditor General, who is hereby authorized and required to draw his warrant on the State Treasurer for the sum so found due, and the State Treasurer is hereby required to pay said warrant out of any money in the general fund not otherwise appropriated.

Sec. 2. This act shall take effect immediately.

Approved April 4, 1851.

[No. 87.]

AN ACT to authorize the reapportionment of certain primary school interest moneys, in the county of Branch.

Duty of Su-
perinten-
dent public
instruction.

Section 1. *The People of the State of Michigan enact*, That the Superintendent of Public Instruction is hereby authorized and required to add to his apportionment of primary school money to the county of Branch, to be made on the first day of May next, or as soon thereafter as practicable, the sum of eleven hundred and thirty-three dollars and ninety cents, in addition to the amount to which the said county is entitled for the school year last past.

Notice of ap-
portion-
ment re-
quired.

Sec. 2. Like notice shall be given of the apportionment of the said amount as is required in sections one hundred and twenty (120) and one hundred and twenty-one (121) of the revised statutes of eighteen hundred and forty-six, and the same shall be payable on the

warrant of the Auditor General to the treasurer of the said county of Branch.

Sec. 8. This act shall take effect immediately.

Approved April 4, 1851.

[No. 88.]

AN ACT for the relief of Peter Patterson.

Section 1. *The People of the State of Michigan enact*, That the Commissioner of the State Land Office be and he is hereby directed to sell to Peter Patterson, at five dollars per acre, and on the terms established by law for the sale of normal school lands, the south-west quarter of the south-west quarter of section thirty-four, in township seven north of range twelve west: *Provided*, Said Patterson shall make application for said land within one year from the passage of this act.

Approved April 4 1851.

[No. 89.]

AN ACT relative to Reports of the Decisions of the Supreme Court.

Section 1. *The People of the State of Michigan enact*, That the present reporter of the decisions of the supreme court, who was appointed in July last, prepare and report the decisions of said court made in eighteen hundred and forty-seven, and in eighteen hundred and forty-eight and eighteen hundred and forty-nine, and not already reported; and that he be allowed therefor a just and reasonable compensation, not exceeding eight hundred dollars, to be determined by the Board of State Auditors, after the same shall have been done; and that a warrant for the sum so allowed be drawn upon the State Treasurer, payable out of any moneys in the treasury not otherwise appropriated.

Duty of Reporter of Supreme Court.

Compensation.

Sec. 2. This act shall take effect immediately.

Approved April 4, 1851.

[No. 90.]

AN ACT to incorporate the village of Mt. Clemens.

Corporat'n
limits, and
name.

President
and trustees
to be body
corporate,
&c.

May hold
real estate.

Election of
officers.

Section 1. *The People of the State of Michigan enact*, That all the inhabitants of this State residing or hereafter to reside within the following boundaries, to wit: commencing at a point in the centre of the Clinton river upon the township line between the townships of Harrison and Clinton, in the county of Macomb, thence following the centre of the said Clinton river up stream to a point where the westerly line of private land claim number one hundred and thirty-nine (being a tract of land originally patented by the government of the United States to one Richard Patterson) strikes the centre of said river, thence following said westerly line of said private land claim number one hundred and thirty-nine, northwardly to a point on said westerly line from which a line running due east will run along and form the south line of the farm now owned and occupied by the widow and heirs of the late — Mitchell, deceased; thence easterly in the same direction with the south line of said Mitchell farm until it strikes the said township line between the townships of Clinton and Harrison; thence on said township line to the place of beginning, be and the same are hereby ordained, constituted and declared to be, from time to time forever hereafter, one body politic and corporate in fact and in name, by the name of the president and trustees of the village of Mt. Clemens; and by that name they and their successors forever shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded in all suits of what nature soever; and also to purchase, hold and convey any estate, real or personal, and may have a common seal, and may change and alter the same at pleasure, and shall be citizens of said village. And the territory embraced within the boundaries aforesaid shall be designated and known as the village of Mt. Clemens.

Sec. 2. The male inhabitants of said village, having the qualifications of electors under the constitution of the State, shall meet at the court house in said village, on the first Monday of May next, and on the first Monday of May annually thereafter, at such place as shall be provided in the by-laws of said village, and then and there proceed, by a plurality of votes, to elect by ballot a president, recorder

and five trustees, who shall hold their office for one year, and until their successors are elected and qualified; and any four of said officers shall constitute a village council for the transaction of business, and a less number may adjourn from time to time; but if an election of said officers or any one of them shall not be made on the day when, pursuant to this act, it ought to be made, it shall be lawful to hold such election at any time thereafter, public notice being given of such election as hereinafter prescribed.

Term of office.

Sec. 3. At the first election to be holden in said village under this act, there shall be chosen, viva voce, by the electors present, two judges and a clerk of said election, each of whom shall take an oath or affirmation, to be administered by either of the others, faithfully and honestly to discharge the duties required of him as judge or clerk of said election; and at all subsequent elections, the trustees, or any two or more of them, shall be judges, and the recorder of the village shall be the clerk of the election; at all elections the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and close at three in the afternoon; and at the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the electors present by one of the judges; and the recorder shall make a true record thereof, and within five days after such election, he shall give notice to the persons elected, who shall enter upon the duties of their office on the first Monday thereafter; and it shall be the duty of the recorder to give at least five days' previous notice of each and every election, by posting up written or printed notices thereof in five or more public places in said village, or by causing the same to be published in some public newspaper.

Judges of election.

Oath.

Time of opening polls.

Proclamation of statement of votes.

Duty of recorder.

Sec. 4. The president, recorder, and each one of the trustees, before he enters upon the duties of his office, and in the presence of the village council, shall take an oath or affirmation, which oath or affirmation may be administered by any one of the council present, to support the constitution of the United States and the constitution of this State, and that he will faithfully and impartially discharge the duties of the office of president, recorder or trustee, as the case may be, of said village, according to the best of his abilities.

Constitutional oath required of officers.

Sec. 5. It shall be the duty of the president to preside at all meet-

Duty of
president
and recorder.

ings of the council; but in case of his absence, any ~~trustee~~ may be appointed by the council to preside at such meetings; and it shall be the duty of the recorder to attend all meetings of the council, keep a fair and accurate record of their proceedings, and perform such other duties as shall be assigned him by the by-laws of the village.

Powers of
village
council.

Sec. 6. The village council shall have power to ordain and establish by-laws, rules and regulations, and the same to alter and repeal at pleasure, for the following purposes:

1. For the election or appointment of a treasurer, three assessors, a marshal and other officers for said village, and to prescribe their duties, declare their qualifications, and the period of their appointment or election; provided that no officer shall hold his office for more than one year, or until others be elected or be appointed; and the fees any one of them shall be entitled to receive for his services; and to require of any or of all of them an oath or affirmation, faithfully and impartially to discharge the duties of their respective offices; and to require of any of them such security, by bond, for the performance of the duties of their respective offices as shall be thought expedient, which bond shall run to the treasurer of said corporation and his successors in office; and said treasurer, or his successors, shall have power to sue for all breaches of the same, before any justice of the peace, or the circuit court of said county, according to the amount claimed, which courts are hereby authorized to hear, try and determine the same.

2. To prohibit the running at large of swine, cattle, mules, goats, horses; goats and sheep, within the limits of said village.

3. To regulate the building of partition and other fences.

4. To purchase fire engines, and other necessary apparatus for the extinguishing of fires; to cause each building occupied as a house or store, to be provided with fire buckets; and to prescribe the manner in which stoves, with their pipes, in actual use, shall be put up, and chimneys built to guard against fires.

5. To remove nuisances.

6. To regulate the licensing of all public shows in said village, and to prescribe the sums to be paid into the treasury therefor.

7. To grade the streets and alleys, and pave them, and to cause sidewalks to be made, and the expense thereof to be assessed on the

lots in front of which either or all of said improvements shall be made; but no one of said improvements shall be made unless the individuals owning more than one-half of the property to be assessed for the same improvement, shall petition the council for that purpose.

8. To keep the public highways and bridges within the corporate limits in repair.

9. To cause the streets, alleys, sidewalks and public highways, and every part thereof, to be kept free from obstruction.

10. To lay out new streets and alleys, and to extend such as are laid out: *Provided*, That the land of any individual shall not be taken for such purpose until said individual shall be paid the value thereof, and of all buildings upon said land, and all damage he will sustain to be ascertained as hereinafter mentioned.

11. To lay taxes on all personal and real estate within the limits of said village excepting property belonging to the village, town, county or state, excepting also places of public worship belonging to any church or congregation, and all school houses.

12. For the violation of any of which by-laws, rules and regulations, such reasonable fines and penalties may be imposed by the law itself, as the said village council may deem proper; and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in the township of Clinton; and any interest the inhabitants of the village of Mt. Clemens, as a body corporate, may have in the fine and penalty to be recovered, shall not disqualify any inhabitants of said village to try such cause or serve as juror, or be a witness therein; and the circuit court of the county shall also have jurisdiction over all fines and penalties imposed by said by-laws.

13. And all such sum or sums of money as may be received into the village treasury for licenses, or collected for fines or penalties, may be appropriated by the council as they may deem for the best interests of the village.

Sec. 7. To ascertain the value of any property to be taken to open or continue a street, and the damage the owner will sustain by its being taken; the village council shall appoint two commissioners, and the owner of the property to be taken may appoint two, and the four

Then agree how ascertained.

Commissioners to assess value of property taken for streets, &c.

shall choose a fifth; and in case the owner neglects or refuses to choose two, any justice of the peace of the county may choose for him; which commissioners shall be disinterested, and inhabitants of said county, and freeholders therein, and who shall take an oath or affirmation to be administered by the president of the village, well and truly and without partiality or favor, to value the property to be taken, and the damage to the owner as aforesaid; and to assess the same upon the property benefitted by the improvement, and to report such valuation and assessment to the council; which report, when confirmed by the circuit court of the county, and entered upon the records thereof, shall be final and conclusive upon all parties interested; and any person interested in said report may object to its confirmation, by affidavit or otherwise; and the said court may refer the same back to the old commissioners, or new commissioners to be appointed by the court, to make a new valuation and assessment, as often as the court may deem the same necessary to promote the ends of justice. Property lying upon the streets to be opened or continued only, shall be assessed for opening or continuing a street, which shall be assessed upon property benefitted thereby; and no new street shall be opened unless two-thirds of the interest thereby affected shall petition for the same.

Lien on real estate for taxes.

Sec. 8. All taxes levied upon real estate, and all assessments made thereon for opening or continuing a street or alley, or grading or paving a street or alley, or making sidewalks, shall remain a lien upon said estate until paid.

Statement of receipts and expenditures to be published

Sec. 9. The village council shall, at the expiration of each year, cause to be made out and published in some newspaper printed in said village, if one shall be printed therein, and if not printed therein, then to be posted up on the outward door of the building where the last annual election was held in said village, a true statement of the receipts and expenditures of the preceding year.

When by-laws to take effect; evidence of publication.

Sec. 10. No by-laws or ordinances of said corporation shall have any effect until the same shall have been published three weeks successively, in a newspaper printed in said county, or by written notices posted up in three of the most public places in said village; and an affidavit of said publication, in the manner aforesaid, entered at

shall be deemed prima facie evidence of such publication.

Sec. 11. It shall be the duty of the council, once in each ^{Title; how} and every year, and immediately after the assessors have assessed ^{apportioned} the real and personal estate lying and being in said village, to estimate, apportion and set down, in a column left for that purpose, opposite to the several sums set down as the polls and value of the real and personal estate in the assessment roll, the respective sums in dollars and cents to be paid as a tax or assessment thereon; and they shall cause the assessment roll, or a copy of it, to be delivered to the marshal of said village, with a warrant annexed to the same, under ^{Warrant for} the hands and seals of said president, recorder and trustees, or a ^{collection} majority of them, directed to and requiring him to collect from the ^{directed to} several persons named in said roll, the several sums mentioned therein, set opposite to their respective names as the tax or assessment, and authorizing him, in case any of them shall refuse or neglect to pay such sum or sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such money, when collected, to the treasurer of said village, by a certain day to be therein named, not less than forty days from the date of said warrant: *Provided*, That the village council shall not in any one year ^{Provide.} raise by tax a sum exceeding two and one-half mills on a dollar of the assessed valuation of the real and personal property in the said village, unless the electors thereof shall, in legal meeting assembled, authorize a larger sum to be raised: *And provided further*, That the council shall not create a debt against the corporation greater in ^{Provide.} any one year than the amount of tax they are authorized to raise for such year: *And provided further*, Said council shall be and are hereby ^{Provide.} authorized to call special meetings of the electors of the village for the purpose of taking a vote of such electors as to raising a larger sum than the council can by this act raise.

Sec. 12. If any person shall refuse or neglect to pay the sum or sums at which he or she shall be taxed or assessed as aforesaid, the said marshal is hereby authorized and required to levy the same by ^{Marshal} distress and sale of the goods and chattels of the person who ought ^{may sell} to pay the same; and in case the goods and chattels distrained shall ^{goods and} ^{chattels for} ^{delinquent} ^{taxes.}

be sold for more than the amount of tax or assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chattels on demand.

When real estate to be sold for taxes.

Treasurer to give notice of sale.

Sec. 13. The tax upon real-estate, with all assessments for the purpose named in the eighth section of this act, shall be put down in the said assessment roll in a column by itself; and whenever any such tax or assessment, and the interest thereon, which shall be computed at the rate of fourteen per cent. thereon per annum until paid, shall remain unpaid for two years from the date of the warrant to the marshal aforesaid, the treasurer of said village shall cause so much of the land charged such tax and assessments and interest, to be sold at public auction, at some public house in said village, to the highest bidder, as shall be necessary to pay the said taxes and assessments and interest, together with all charges thereon, first giving at least four months' notice of the time and place of such sale, by advertisement posted up in three of the most public places in said village, or by causing the same to be published in a newspaper printed in said village; and affidavit of said publication, recorded in the manner prescribed in the tenth section of this act, shall be deemed prima facie evidence of the fact of publication.

Certificate to be given to purchaser.

When deed to issue.

Sec. 14. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the same from day to day, until so much thereof shall be sold as will pay the taxes and assessments as aforesaid, with the interest and charges due, assessed and charged thereon as aforesaid; and the said treasurer shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased and the sum paid therefor, and the time when the purchaser will be entitled to a deed for the said lands; and if the person claiming title to the said lands described in the said certificate, shall not, within one year from the date thereof, pay to the treasurer, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with interest thereon at the rate of twenty per cent. per annum from the date of such certificate, the treasurer, or his successor in office, shall, at the expiration of the said one year, execute to the purchaser, his heirs or assigns, a conveyance of the lands so sold; which conveyance shall vest in the person or persons to whom it shall be given an abso-

late estate in fee simple, subject to all the claims the State shall have thereon; and the said conveyance shall be conclusive evidence, that the sale was regular, according to the provisions of this act; and every such conveyance, executed by the said treasurer under his hand and seal, and acknowledged, witnessed and recorded in the usual form, may be given in evidence in the same manner, and with like effect, as a deed regularly executed and acknowledged by the owner, and duly recorded, may be given in evidence.

Sec. 15. The treasurer of said village shall receive the same fees, in cases of sale as aforesaid, as are allowed by law to the county treasurer for like services; and the expenses in advertising any land for sale in pursuance of this act, shall, by the treasurer, be added to such taxes respectively as are charged upon lands and unpaid, in proportion to the amount of each person's tax so charged and unpaid.

Fees of
Treasurer.

Sec. 16. The said corporation shall be allowed the use of the common jail of the county of Macomb, for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation; and all persons so committed to said jail shall be under the charge of the sheriff, as in other cases.

Corporation
may use Co.
jail.

Sec. 17. This act shall be favorably construed, and received in all courts as a public act, and copies thereof, printed under the authority of the Legislature, shall be received as evidence, without further proof.

Act to be re-
ceived as
evidence.

Sec. 18. No person shall vote at any election held under this act, unless he shall be an elector under the laws of this State, and shall have been a resident within the bounds of this corporation for three months next preceding such election.

Qualificat'n
of electors.

Sec. 19. No person shall be eligible to any office in this corporation, unless he shall have resided in the said corporation one year next preceding his election.

Eligibility
to office.

Sec. 20. This act shall take effect immediately.

Approved April 4, 1851.

[No. 91.]

AN ACT to amend section two of an act to incorporate the Monroe and Saline Plank Road Company, approved April third, eighteen hundred forty-eight.

Sec. 2 of
act No. 200
of 1854,
amended.

Section 1. *The People of the State of Michigan enact*, That section two of an act to incorporate the Monroe and Saline plank road company, approved April third, one thousand eight hundred and forty-eight, be and the same is hereby amended by adding at the end of said section the following: "and for the purpose of constructing such branch, said company may enter upon, take and use the public highway leading from the village of Dundee to the main road leading from the city of Monroe to the village of Saline;" so that said section, when amended, shall read as follows:

Route.

"Sec. 2. Said company hereby created shall have power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Saline, in the county of Washtenaw, on the most eligible route to any point within the city of Monroe, in the county of Monroe, and a branch thereof from the village of Dundee, and connecting with said road at a point as near the River Raisin as may be; and for the purpose of constructing such branch, said company may enter upon, take and use the public highway leading from the village of Dundee to the main road leading from the city of Monroe to the village of Saline."

Co. authorized to
construct
branch.

Sec. 2. This act shall take effect immediately.

Approved April 4, 1851.

[No. 92.]

AN ACT to amend sections four, five, six and eleven, and to repeal section seventeen, of an act entitled an act to incorporate the Cotton-wood swamp turnpike company, approved March ninth, one thousand eight hundred and forty-four.

Sec. 4 of act
No. 44 of
1844,
amended.

Section 1. *The People of the State of Michigan enact*, That section four of an act entitled an act to incorporate the Cotton-wood swamp turnpike company, approved March ninth, one thousand eight hundred and forty-four, be and the same is hereby amended by striking out all of said section four from the word "road," in the twelfth line, to and including the word "year," in the twenty-third line; so that said section will read:

"Sec. 4. That for the furtherance of the objects of this corporation, and the promotion of internal improvements, the said company be and they are hereby authorized to take possession of that portion of the Territorial or State road commencing in the county of Monroe, at the south line of the State of Michigan, opposite the town of Sylvania in the State of Ohio, and terminating at the east end of the bridge across the river Raisin in the village of Blissfield, Lenawee county; that upon or near the line of said road it shall cause to be constructed a good and sufficient turnpike, at least twenty feet wide inside of ditches, which ditches shall be of sufficient depth and width with under sluices and outlets to drain the water from said road; wherever other roads intersect said turnpike road, the said ditches on either side shall be so constructed and covered as to admit the convenient passage of carriages of any description."

Co. authorized to take possession of portions of certain road.

Co. to construct turnpike.

Sec. 2. That section five of said act be and the same is hereby amended by striking out of the third line of said section the words "associate judge," and inserting in lieu thereof the words "judge of probate;" also, by striking out the word "they," in the fifth and sixth lines, and inserting in lieu thereof the word "he;" so that said section will read:

Sec. 5 amended.

"Sec. 5. When the president and directors shall have completed said road, or five miles thereof, it shall be lawful for them to give notice thereof to the judge of probate of Lenawee county, who shall personally examine from time to time such portions of said road as may be completed, and if he finds the same done according to the true intent and meaning of this act, he shall certify the same in writing to the clerk of said county of Lenawee, and direct him to issue a license, under the seal of the said county, to permit said president and directors to make and erect as many gates upon and across said road as may be necessary and sufficient to collect the dues and tolls hereinafter granted to said incorporation, from all persons traveling or using the same; *Provided however*, That they shall not have on said road more than one gate for taking whole toll, or two gates for taking half toll."

Notice to judge of probate.

His duty.

License to erect toll-gates.

Proviso.

Sec. 3. That section six of said act be and the same is hereby amended by striking out all after the words, "to wit," in the sixth line, and inserting in lieu thereof the following, to wit: "At a rate not

Sec 6 amended.

exceeding two cents per mile for any vehicle or carriage drawn by two animals, and one cent per mile for every sled or sleigh so drawn; and if drawn by more than two animals, three-quarters of a cent per mile for every additional animal; for every vehicle, sled, sleigh or carriage drawn by one animal, one cent a mile; for every score of sheep or swine, half a cent a mile; for every score of neat cattle, two cents a mile; and for every horse and rider, or led horse, one cent a mile;" so that said section as amended will read:

Rates of toll.

"Sec. 6. As soon as the whole or part of said road shall be completed, and permission as aforesaid granted to erect a gate or gates across the same, it shall be lawful for the president and directors to appoint toll gatherers to collect and receive from all and every person and persons using said road at said whole toll gate, or at each half toll-gate in proportion, such tolls and duties, to wit: at a rate not exceeding two cents per mile for any vehicle or carriage drawn by two animals, and one cent per mile for every sled or sleigh so drawn; and if drawn by more than two animals, three-quarters of a cent for every additional animal; for every vehicle, sled, sleigh or carriage drawn by one animal, one cent a mile; for every score of sheep or swine, half a cent a mile; for every score of neat cattle, two cents a mile; and for every horse and rider, or led horse, one cent a mile."

Sec. 11
amended.

Sec. 4. That section eleven of said act be and the same is hereby amended by striking out in first and second lines, the words "either of" and "associate judges," and inserting in lieu thereof the words "judge of probate." Strike out all after the word "said," in fourth line, to and including the word "shall," and insert in lieu thereof the words "judge of probate to." Strike out the word "judges," in the sixth and seventh lines, and insert "judge," in the twenty-fifth, thirty-second and thirty-sixth lines, and insert "judge." Strike out the word "them," in the twenty-sixth line, and insert "him;" also, "they are," in the twenty-eighth line, and insert "he is;" so that said section when amended will read as follows:

Duty of
Judge of
probate.

"Sec. 11. Whenever complaint shall be made to the judge of probate mentioned in the fifth section of this act, in writing, that any part or parts of said road are out of repair, it shall be the duty of said judge of probate to proceed to and examine each part or parts of said road and view the same; and if the same shall, in the view of the said judge, be out of repair, then the said judge shall give

notice in writing of such defect to the toll-gatherer or person attending the gate nearest the place out of repair; and may also, in his discretion, in the said notice, order such gate or gates to be thrown open, and no tolls shall be demanded until said road is put in complete repair; and if such keeper of the gates shall not immediately after the receipt of said notice, open such gate or gates and keep the same open till such repairs are completed, or shall hinder or detain any person or persons from passing said gates, or shall take or demand toll from any person or persons after receiving such notice, and until such repairs are completed as aforesaid, the toll-gatherer or gate keeper so detaining any person shall forfeit the sum of twenty-five dollars for each and every offence, to be recovered before any justice of the peace in an action of debt in any town where said detention occurs; and the property of said company shall be liable on said judgment, and the same may be taken on any execution issued thereon, in the same manner as if the same were issued against said company in its corporate name; and the said judge, as a compensation for the duties required of him to perform by virtue of this act, shall receive one dollar and fifty cents per day for his services every day he is employed, to be paid by the toll gatherer nearest where the services were rendered, out of any moneys collected at such places; and in default of such payments by said toll gatherer, the stockholders shall be individually liable to said judge; *Provided*, That whenever it shall appear to said judge that such complaint is made without any sufficient reason, and is done for the purpose of harassing the president or directors of said company, or the stockholders thereof, the person or persons only so complaining shall be responsible to said judge for his fees aforesaid; and the same may be recovered in an action of debt brought before any justice of the peace in the town where either of said complainants live, or where either of them may be found."

Liability of gate-keeper in certain cases.

Compensation of judge of probate.

Proviso.

Sec. 5. Section seventeen of said act is hereby repealed.

Sec. 17 repealed.

Sec. 6. The Legislature may at any time alter, amend or repeal this act, or the act to which this is amendatory.

Sec. 7. This act shall take effect immediately, and said company shall be entitled to all its benefits and subject to all its restrictions, whenever they shall file their acceptance in writing, signed by

Acceptance of act, where filed.

the president and a majority of the directors, in the office of the Secretary of State; *Provided*, Such acceptance shall be filed within six months from the passage of this act:

Approved April 4, 1861.

[No. 93.]

AN ACT to provide for the organization and powers of the Supreme Court.

Judicial
power.

Section 1. *The people of the State of Michigan enact*, That the supreme court shall consist of the judges of the several circuit courts, four of whom shall constitute a quorum, and a concurrence of three shall be necessary to a final decision. They shall hold their offices as provided in the constitution of this State; and at the first organization of the court under the law, and every second year thereafter, they shall proceed to ballot for one of their number to preside over the deliberations of the court, who shall be styled the presiding judge of the supreme court, and shall hold such position until his successor be elected; and if a vacancy occur in the office of presiding judge, an election may be had at any session of the court to fill the same.

Terms of
office.

Vacancy of
presiding
judge; how
filled.

Jurisdiction
of supreme
court.

Sec. 2. The supreme court shall have a general superintending control over all inferior courts, to prevent and correct errors and abuses therein, where no other remedy is expressly provided by law, and shall have also jurisdiction of suits, actions and matters brought before it by writ of certiorari or writ of error, when the same shall be allowed by law to any inferior court, to magistrates and other officers, as well in cases of prosecutions for any offence, misdemeanor or penalty, in the name of the people of this State, as in other cases, and by certificate of any circuit judge of any cause pending or tried before him, or by a case made and agreed upon by the parties or their attorneys, in any circuit court, and certified by the clerk of such circuit court, and shall have power to issue writs of error, certiorari, habeas corpus, mandamus, quo warranto, procedendo, prohibition, supersedeas, and all other original and remedial writs which may be necessary for the due execution of the law and the administration of justice, and the full and perfect exercise of its ju-

LAWS OF MICHIGAN.

isdiction, and to hear and determine the same. In all of shall have appellate jurisdiction only.

Sec. 3. Four terms of the supreme court shall be held commencing as follows, to-wit: on the first Mondays of Jan and July, and the third Monday of October; which said t respectively be called the January, May, July and October said court.

Sec. 4. The terms of said court shall be held as follows

1. The January term in each year at the supreme court the city of Detroit, in the county of Wayne;

2. The May term in each year at the court house in the Kalamazoo, in the county of Kalamazoo;

3. The July term in each year at the court house in the Adrian, in the county of Lenawee;

4. The October term in each year at the court house in t of Pontiac, in the county of Oakland;

5. A fifth term shall be at Lansing, at least once in each such time as the court shall determine.

Sec. 5. The said court may direct a special term thereof t at either of the places above named, whenever they shall necessary, by an order therefor, which they shall cause to lished at least thirty days before the time appointed, in son printed in the city of Detroit.

Sec. 6. At any of the general terms of said court, it shall its appellate jurisdiction in suits in equity and at law, and in cases originating in any part of this state.

Sec. 7. Upon all questions arising under the exercise of su diction, when argument of counsel may be desired or inter the parties, or may be requested by the court, the court ma such argument to be had at any of said terms.

Sec. 8. If neither of said judges shall attend on the first any term of said court, it shall be the duty of the clerk the any time after four o'clock in the afternoon of such day, to o said court by proclamation, and immediately to adjourn the t the next day; and so to open and adjourn the said court from day, until the judges thereof, or one of them, shall appear, w court shall proceed to business, if a quorum be present, as if been opened and adjourned by a judge thereof.

When judge
or judges at-
tending may
adjourn
from day to
day, or
without day

Sec. 9. If a quorum of said judges shall not attend, the judge or judges attending may, in his or their discretion, adjourn the said court from day to day, until a quorum shall be present; or, if it be deemed proper, the said court may be adjourned without day; and if no judge shall attend before the expiration of the third day in term, the clerk shall adjourn said court without day.

Attendance
of sheriff,
constables,
&c.

Sec. 10. The sheriff of the county in which any term of the court may be held, shall, before the commencement of such term, summon not more than two constables of his county to attend the same; and the sheriff and constables so summoned shall attend the court during its sitting; and the compensation allowed by law for such attendance, together with all moneys paid by such sheriff for fuel, and other necessary expenses, which shall be certified by the clerk of the court, and be deemed reasonable by the Auditor General, shall be paid out of the treasury of the State.

Removal of
records and
papers.

Sec. 11. The judges of the supreme court may, from time to time, direct the removal of such records and papers in any cause, as they may deem proper, from one clerk's office to another.

Duty of
judges of
supreme
court—es-
tablishing
and revising
rules of
practice.

Sec. 12. The judges of the supreme court shall have power, and it shall be their duty, within three months after this law shall take effect, by general rules to establish, and from time to time thereafter to modify and amend, the practice in said court and in the circuit courts, at law and in equity, in the cases not provided for by any statute; and they shall, once at least in every two years thereafter, if necessary, revise the said rules, with the view to the attainment, so far as may be practicable, of the following improvements in the practice:

1. The abolishing of distinctions between law and equity proceedings, as far as practicable;
2. The abolishing of all fictitious and unnecessary process and proceedings;
3. The simplifying and abbreviating of the pleadings and proceedings;
4. The expediting of the decision of causes;
5. The regulation of costs;
6. The remedying of such abuses and imperfections as may be found to exist in the practice;

7. The abolishing of all unnecessary forms and technicalities in pleading and practice;

8. To effectually prevent the defeat or abatement of any civil suit, ex-contrasto, for either any nonjoinder or misjoinder of parties, where the same can be done consistently with justice;

9. To provide for all necessary amendments of process, pleadings, or other proceedings in such case; and,

10. To provide the manner by which a discontinuance may be entered against parties improperly joined in any suit, and by which parties improperly omitted may be joined in the suit and brought in: to answer thereto, if within the jurisdiction of the court.

Sec. 13. All writs and process issuing out of said court shall be styled "in the name of the people of the State of Michigan;" and shall run into and be executed in any county of the State; and the seal of said court affixed thereto, or impressed upon any writ or process, in any suit or proceeding therein, shall be conclusive evidence that such writ or process was issued by said court, in all cases where such writ or process may be lawfully issued.

Sec. 14. The supreme court shall have power, in all such cases as shall be deemed proper, to compel any party to a suit pending therein, to produce and discover books, papers and documents in his possession or power, relating to the merits of any such suit, or of any defence therein.

Sec. 15. The court shall, by general rules, prescribe the cases in which such discovery may be compelled, where the same are not herein provided, and the costs of such proceedings shall always be awarded in the discretion of the court.

Sec. 16. To entitle a party to any such discovery; he shall present a petition to the court, or to any judge in vacation, verified by oath, upon which an order may be granted by the court or such judge, for the discovery sought, or that the party against whom the same is sought show cause why the prayer of such petition should not be granted.

Sec. 17. Every such order may be vacated by the judge granting the same or by the court:

1. Upon satisfactory evidence that the same ought not to have been granted;

2. Upon the discovery sought being made;

3: Upon the party required to make the discovery ~~any~~ing, on oath, the possession or control of the books, papers or documents ordered to be produced.

Staying proceedings when discovery ordered.

Sec. 18. The court shall provide, ~~by~~ general rules, ~~for the staying~~ of proceedings in any case where such discovery shall have been ordered, until such order shall have been complied with or vacated.

Remedies for neglect.

Sec. 19. In case any party refusing or neglecting to obey any such order for discovery within such time as may be deemed reasonable, the court may non-suit him, or may strike out any plea or notice he may have given, or may debar him from any particular defence in relation to which such discovery was sought; and the power of the court to compel such discovery shall be confined to the remedies herein provided, and shall not extend to authorize any other proceeding against the person or property of the party so refusing or neglecting.

Effect of books, &c. produced.

Sec. 20. The books, papers and documents produced under any order made in pursuance of the preceding sections, shall have the same effect, when used by the party requiring them, as if produced upon notice, according to the practice of the court.

Court to prescribe practice in certain cases.

Sec. 21. The supreme court shall, amongst other things, regulate and prescribe the practice therein, and in the circuit courts, where the same is not prescribed by any statute, in relation to bills of exceptions, cases made by the parties, special verdicts, granting new trials, motions in arrest of judgment, taxation of costs, giving notice of special motions, and of such other proceedings as the court may think proper; staying proceedings when necessary to prevent injustice, and the hearing of motions, imposing terms, in their discretion, on granting such motions.

To prescribe certain powers of circuit court.

Sec. 22. In cases not otherwise provided for, the supreme court shall have power, from time to time, by general rules, to prescribe the cases in which the circuit courts, or any judge thereof, or circuit court commissioner, may grant orders to stay proceedings in causes and matters pending in the circuit courts, and upon process issued therefrom, the effect of such orders, and the terms and conditions on which they shall be granted.

When judgment or decree of

Sec. 23. When the judges of the supreme court shall be equally divided in opinion upon any case submitted to them, brought before

said court by appeal, certiorari or writ of error, the judgment or decree of the court below shall be affirmed, provided three of said judges shall concur in such opinion. court below to be affirmed.

Sec. 24. Each of the judges of the supreme court shall receive an annual salary of one thousand five hundred dollars, payable quarterly yearly, out of any moneys in the treasury belonging to the general fund, not otherwise specially appropriated by law. Salary of judges.

Sec. 25. No judge of the supreme court shall practice as attorney, solicitor or counsellor in any court of this State.

Sec. 26. The seals of the supreme court now in use shall continue to be used therein; and with such other seals as may be devised for that purpose according to law, shall be the seals of said court. Seals of the court.

Sec. 27. All arguments of demurrers, cases, bills of exceptions, appeals, motions, and other matters in the supreme court, may, at the option of the respective parties, be submitted to said court in writing, subject to such rule as the court may prescribe, except when such court shall, by general or special rule or order, otherwise direct. Arguments in supreme court may be submitted in writing.

Sec. 28. The supreme court may, at any time, in accordance with and for the speedy furtherance of justice in any suit, either at law or in equity, call upon the parties to such suit, or any witness thereto, to testify orally in open court; and said court may by rule provide for a similar practice in the circuit courts. Court may require oral testimony.

Sec. 29. All cases in the supreme court shall be decided and disposed of before or during the first week of the term next succeeding the one when the same is argued or submitted. Within what time cases to be decided.

Sec. 30. The decisions of the supreme court, with the reasons therefor, shall be in writing, and signed by the judges concurring therein. Any judge dissenting therefrom shall give the reasons of such dissent in writing, under his signature; and such opinions shall be filed in the office of the clerk of the supreme court, where such opinions may have been delivered. Decisions of supreme court.

Sec. 31. On or before the January term in each year, the judges of the said court shall deliver to the reporter of said court copies of their decisions on all questions determined by said court during the preceding year. When to be delivered to reporter.

Sec. 32. Chapter eighty-eight, title twenty-one of the revised statutes of eighteen hundred and forty-six, and all acts and parts of acts Chap. 88 of title 21, of

revised sta-
tutes of '46,
repealed. . .
contravening the provisions of this law, be and they are hereby re-
pealed.

When act
to take ef-
fect.

Sec. 33. This act shall take effect and be in force from and after the first day of January, in the year one thousand eight hundred and fifty-two.

Approved April 4, 1851.

[No. 94.]

AN ACT to amend the second and fourth sections of an act to incorporate the Erin and Mt. Clemens Plank Road Company, approved March twentieth, one thousand eight hundred and fifty.

Sec 2 of act
No. 193 of
1850, succe-
ded.

Section 1. *The People of the State of Michigan enact*, That section two of an act to incorporate the Erin and Mt. Clemens plank road company, approved March twentieth, one thousand eight hundred and fifty, be and the same is hereby amended so that the same shall read as follows:

Route.

'Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the township of Erin in the county of Macomb, on the Fort Gratiot road, so-called, eight miles to or in the village of Mt. Clemens, in said county of Macomb; commencing at the termination of the Detroit and Erin plank road, to wit: twelve miles from the city of Detroit, in the county of Wayne, with the privilege to extend the same from thence, on the most eligible route, to the village of Port Huron, in the county of St. Clair."

Sec 4 amend-
ed.

Sec. 2. That section four of said act be and the same is hereby amended so that the same shall read as follows:

Co. may en-
ter upon
and take
possession
of a certain
road.

"Sec. 4. As soon as the said company shall be duly organized, the board of directors thereof are hereby authorized to enter upon and take possession of so much of the Fort Gratiot road, so called, as lies between the termination of the Detroit and Erin plank road, as aforesaid, to wit: a point distant twelve miles from the city of Detroit in the county of Wayne, and the village of Mt. Clemens in the county of Macomb, and proceed to construct and maintain thereon a plank road: *Provided*, That during the construction of said plank road, the said company shall in no wise prevent or improperly obstruct the usual travel thereon."

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 4, 1851.

[No. 95.]

AN ACT to amend section twenty-two of "an act relative to Plank Roads," approved March thirteenth, eighteen hundred and forty-eight, in reference to subscriptions of stock.

Section 1. *The People of the State of Michigan enact*, That section twenty-two of an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, be and the same is hereby amended so as to read as follows:

"Sec. 22. If the entire capital stock of such company shall not be subscribed at the time first provided by this act, the board of directors of any such company may at any time receive subscriptions to such capital stock, until the whole amount of the capital stock allowed by its charter shall be subscribed."

Sec. 22 of act No. 62 of 1848 amended.
Subscription to capital stock; time extended.

Sec. 2. This act shall take effect immediately.

Approved April 4, 1851.

[No. 96.]

AN ACT supplemental to an act to incorporate the Plymouth and Dearborn Plank Road Company, approved March twentieth, eighteen hundred and fifty.

Section 1. *The People of the State of Michigan enact*, That when, ever the Plymouth and Dearborn Plank Road Company, incorporated March twentieth, eighteen hundred and fifty, shall have completed three consecutive miles of their plank road, they may erect and maintain a toll gate thereon, and collect and take tolls at the rates authorized by their act of incorporation.

Sec. 2. This act shall take effect immediately.

Approved April 4, 1851.

[No. 97.]

AN ACT to cede jurisdiction to the United States over Land to be occupied as a site of Light House Buildings in this State.

Section 1. *The People of the State of Michigan enact*, That the jurisdiction of the State is hereby ceded to the United States over a certain tract or parcel of land, for the purpose of erecting light house buildings thereon, described as follows, to wit: lying and being in the county of Ottawa, State of Michigan, "being part of lot number eight of fractional section number twenty-eight, in township number ten north of range number seventeen west; the entire front bordering on Muskegon river, and running back the same distance, containing one acre," and being the acre of land selected by Henry B. Miller, superintendent and inspector of lights, for the purpose of erecting light house buildings thereon: *Provided always*, And this cession is upon the express condition, that the State of Michigan shall so far retain a concurrent jurisdiction with the United States in and over the tract of land aforesaid, that all civil and such criminal process as may issue under the authority of the said State, against any person or persons charged with offences committed without the bounds of said tract, may be executed therein in the same way and manner as though this cession had not been made.

Approved April 4, 1851.

[No. 98.]

AN ACT supplementary to an act entitled an act to incorporate the Grand Rapids and Plainfield Plank Road Company, approved March twentieth, eighteen hundred and fifty.

Section 1. *The people of the State of Michigan enact*, That for the purpose of providing means for the construction and completion of the plank road of the Grand Rapids and Plainfield Plank Road Company, and its buildings and equipments, the said company may issue its corporate bonds or obligations for such amounts, not exceeding in the aggregate the sum of twenty thousand dollars, and in such form as it may deem proper, and payable at such times and places within this State, upon such terms and with such rates of in-

terest (not exceeding ten per cent. per annum) as the board of directors of said company may determine, with the approval of the holders of a majority of the stock of said company; and may secure the payment of the whole or any portion of said bonds or obligations by mortgage of the road or other property of said company: *Provided*, No such bond or obligation shall be issued for a Proviso. less sum than one hundred dollars. And said company may sell, dispose of and negotiate such bonds or obligations, either within or without this State, at such rates, for such prices and on such conditions as the company may determine; and in case said bonds or obligations, or any of them, shall be thus sold, disposed of or negotiated at a discount, said sale, disposal or negotiation shall be as valid and effectual as if said bonds or obligations had been sold, disposed of or negotiated at their par value; and said bonds or obligations shall be valid and binding as a security for the whole sum payable by the terms thereof, in the same manner as if they had been sold, disposed of or negotiated at their par value: *Provided*, That none of such bonds or obligations shall be sold at less than par without Proviso. the consent of the holders of three-fourths of the stock of said company.

Sec. 2. For all or any of the purposes aforesaid, said company may create and issue shares or guarantied stock, to be denominated "construction stock," to such an amount as it may determine, not to exceed (with the original stock subscribed to the capital of said company) the amount of their capital stock allowed by law; which construction stock shall be entitled to such dividend and payable at such place and in such manner and with such preference or priority over the remaining stock of said company in the payment of dividends as the directors of said company may determine, and as shall be approved by the holders of three-fourths of the stock of said company at their annual meeting or any special meeting called for the purpose of taking into consideration the propriety of issuing such stock; and the holders of such construction stock, and their representatives, shall be entitled to vote and have an equal voice in the management of the affairs of said company with the holders of an equal amount of the original stock of said company: *Provided*, That no such construction stock shall be authorized to be issued at any meeting of said compa- Authority to issue construction stock. Holder of, entitled to vote. Proviso.

ny unless previous notice of such meeting and the intention of submitting that question shall have been published at least six weeks in some newspaper published in the city of Grand Rapids.

Certificate
of accep-
tance;
where filed.

Sec. 3. This act shall take effect immediately, and the said company shall be entitled to its benefits and subject to its provisions whenever they shall file their acceptance of the same in writing, signed by the president and secretary of said company, under its corporate seal, in the office of the Secretary of State: *Provided*, Such acceptance shall be so filed within six months from the passage of this act.

Approved April 4, 1851.

[No. 99.]

AN ACT prescribing the duties of the Superintendent of Public Instruction, and to repeal chapter fifty-six of the Revised Statutes of eighteen hundred and forty-six, and an act to amend said chapter fifty-six, approved March twenty-ninth, one thousand eight hundred fifty.

Superinten-
dent to
have gen-
eral super-
vision of pub-
lic instruc-
tion: His
duty to
prepare an-
nual report.

Section 1. *The People of the State of Michigan enact*, That the Superintendent of Public Instruction shall have general supervision of public instruction, and it shall be his duty among other things to prepare annually and transmit a report to the Governor, to be submitted by him to the Legislature at each biennial session thereof, containing:

1. A statement of the condition of the university, and its branches, of all incorporate literary institutions and of the primary schools;
2. Estimates and amounts of expenditures of the school money;
3. Plans for the improvement and management of all educational funds, and for the better organization of the educational system, if in his opinion the same be required;
4. The condition of the Normal school;
5. All such other matters relating to his office and the subject of education generally, as he shall deem expedient to communicate.

Abstracts.

Sec. 2. He shall make all necessary abstracts of the reports of school inspectors, transmitted to him by the clerks, and embody so much of the same in his report as may be necessary.

Sec. 3. He shall prepare and cause to be printed with the laws relating to primary schools, all necessary forms, regulations and in-

struments for conducting all proceedings under said laws, and transmit the same with such instructions relative to the organization and government of such schools and the course of studies to be pursued therein, as he may deem advisable, to the several officers entrusted with their care and management.

Forms, regulations, &c. to be transmitted.

Sec. 4. School laws, forms, regulations and instructions shall be printed in pamphlet form, with a proper index, and shall have also annexed thereto a list of such books as the Superintendent shall think best adapted to the use of the primary schools, and a list of books suitable for township libraries, with such rules as he may think proper for the government of such libraries.

Forms, &c. to be printed in pamphlet form.

Sec. 5. He shall annually, on receiving notice from the Auditor General of the amounts thereof, apportion the income of the primary school fund among the several townships and cities of the State, in proportion to the number of scholars in each between the age of four and eighteen years, as the same shall appear by the reports of the several township inspectors of primary schools, made to him for the year last closed.

Apportionment of primary school fund.

Sec. 6. He shall prepare annually a statement of the amount in the aggregate payable to each county in the State from the income of the primary school fund, and shall deliver the same to the Auditor General, who shall thereupon draw his warrant upon the State Treasurer in favor of each county for the amount payable to such county.

Annual statement of the amount in the aggregate payable to each county.

Sec. 7. He shall also send written notices to the clerks of the several counties, of the amount in the aggregate to be disbursed in their respective counties, and the amount payable to the townships therein respectively; which notice shall be disposed of as directed by an act entitled an act to amend chapter fifty-eight of the revised statutes of one thousand eight hundred forty-six, approved March twenty-eighth, one thousand eight hundred and fifty.

Notices to Co. clerk of aggregate amount to be disbursed.

Notice; how disposed of.

Sec. 8. Whenever the returns from any county, township or city, upon which a statement of the amount to be disbursed or paid to any such county, township or city, shall be so far defective as to render it impracticable to ascertain the share of public moneys which ought to be disbursed or paid to such county, township or city, he shall ascertain by the best evidence in his power the facts upon which the ratio

Ratio of apportionment in certain cases, how ascertained.

of such apportionment shall depend, and shall make the apportionment accordingly..

Apportionment; how made in certain cases.

Sec. 9. Whenever, by accident, mistake, or any other cause, the returns from any county, township or city, upon which a statement of the amount to be disbursed to any such county, township or city, shall not contain the whole number of scholars in such county, township or city, between the age of four and eighteen years, and entitled to draw money from said fund, by which any such county, township or city, shall fail to have apportioned to it the amount to which it shall justly be entitled, the Superintendent, on receiving satisfactory proof thereof, shall apportion such deficiency to such county, township or city, in his next annual apportionment; and the conditions of this section shall extend to all cases which accrue in the year one thousand eight hundred and fifty.

Interest on educational fund; how computed and how paid.

Sec. 10. Upon all sums paid into the State treasury upon account of the principal of any of the educational funds, except where the provision is or shall be made by law, the treasurer shall compute interest from the time of such payment, or from the time of the last computation of interest thereon, to the first Monday of April in each and every year, and shall give credit therefor to each and every school fund, as the case may be; and such interest shall be paid out of the general fund.

Sup't at the expiration of term to deliver to successor books, papers, &c.

Sec. 11. The Superintendent shall, at the expiration of his term of office, deliver over on demand to his successor, all property, books, documents, maps, records, reports, and all other papers belonging to his office, or which may have been received by him for the use of his office.

Chap. 56 of R. S. of 1846 repealed.

Sec. 12. Chapter fifty-six of the revised statutes of one thousand eight hundred and forty-six, and an act to amend said chapter fifty-six, approved March twenty-ninth, one thousand eight hundred and fifty, are hereby repealed.

Approved April 4, 1851.

[No. 100.]

AN ACT to amend an act entitled an act to incorporate the village of Battle Creek, approved April 2, 1850.

Section 1. *The People of the State of Michigan enact, That an act entitled an act to incorporate the village of Battle Creek, appro-*

ved April 2, 1850, be amended as follows: Amend section one by inserting after the word "six," in the eleventh line thereof, the words following: "thence northerly on the north and south quarter line of said section six;" so that the amended section will read as follows:

"Section 1. *The People of the State of Michigan enact, That all* that tract of country situated in the townships of Battle Creek and Emmet, in the county of Calhoun, and described as follows, to wit: beginning at the quarter post on the west side of section seven, in the township of Emmet, in the county of Calhoun, and state of Michigan, and running thence easterly on the east and west quarter line of said section seven, to the north and south quarter line of said section; thence northerly on the said north and south quarter line, to the north line of said section and to the Battle Creek; thence along the Battle Creek to the quarter post on the south side of section six; thence northerly on the north and south quarter line of said section six; thence to the east and west quarter line of said section six; thence westerly on said east and west quarter line to the town line; thence along said town line to the quarter post on the east side of section one, in the township of Battle Creek in the county aforesaid; thence westerly to the northerly corner of the surveyed plat of the original village of Battle Creek; thence along the northwesterly side of said village plat to the Kalamazoo river; thence south, four degrees east, to the east and west quarter line of section twelve, (12,) in Battle Creek aforesaid; thence easterly along said east and west quarter line to the town line between Battle Creek and Emmet aforesaid; thence along said town line to the place of beginning, be and the same is hereby constituted a village corporate, under the name of the village of Battle Creek."

Sec. 2. Also amend section eight, by adding at the end of the section the following: "And said president and trustees shall have power to acquire and hold land sufficient for the erection of the pound aforesaid. And they may also acquire and hold another parcel of land in said village, not exceeding one-fourth of an acre, upon which they may build a council house, or hall for the use of said council, for the holding of elections, for keeping records, and for such other uses as said council may think proper;" so that said section as amended, will read as follows:

By-laws.

General
powers.

"Sec. 8. The president and trustees shall have power to establish by-laws, rules and regulations for the government of said village, and to alter the same, repeal or re-ordain at pleasure; to provide for any subordinate officers, if necessary, and prescribe their duties and the duty of the treasurer and the amount of bonds he shall give for the performance of his duty, and his fees as collector, which shall not exceed the per cent allowed the town treasurer, and shall prescribe the fees of the clerk, assessors and marshal, which shall not exceed one dollar per day, and impose reasonable fines and penalties for the violation of the by-laws and regulations of the corporation: to regulate the planting of ornamental trees by the side walks or on the common, and cause them to be protected from depredations: to provide for protection against fires, the removal of nuisances and obstructions from the side-walks, streets, alleys, commons, and all other places in the village; to prevent cattle, horses and swine from running at large in the streets, and to build a pound for empounding the same; to suppress all riotous or disorderly conduct; to prevent horse racing and every thing else that disturbs the public peace or endangers the safety of the citizens; they shall act as a board of health, and shall have the same power in the village as the town boards have in towns, and the clerk shall keep the record of the proceedings of such board in the records of said village. And said president and trustees shall have power to acquire and hold land sufficient for the erection of the pound aforesaid, and they may also acquire and hold another parcel of land in said village, not exceeding one-fourth of an acre, upon which they may build a council house or hall for the use of said council, for the holding of elections, for keeping records, and for such other uses as said council may think proper."

Sec. 11 a-
mended.

"Sec. 3. Amend section eleven by inserting after the word "occupant," in the fifth line thereof, the words following: "owner or agent of any vacant lot." And after the word "street," in the same fifth line of said section eleven, insert: "Provided, If there be no resident owner or agent of any vacant lot, then a written notice, posted up in a conspicuous place on said vacant lot, shall be deemed sufficient." And then strike out all of said section eleven after the word "act," in the twelfth line thereof; so that said section eleven as amended will read as follows:

"Sec. 11. When a majority of the freeholders residing upon any street, shall, in writing, request to improve the same by building or repairing side-walks, or ornament the same by planting shade trees, the village board shall order the same to be done, by giving ten days' notice in writing to each occupant, owner or agent of any vacant lot on said street: *Provided*, If there be no resident owner or agent of any vacant lot, then a written notice, posted up in the most conspicuous place on said vacant lot, shall be deemed sufficient, directing them to construct such sidewalk or make other improvements in a given time by them designated; and in case of neglect or refusal of any such owner or occupant to construct such side-walk or other improvement, it shall be lawful for the board forthwith to make such improvements and assess the expense of the same upon the premises on which said improvements have been made, and collect the same as provided for the collection of taxes by this act."

Sec. 4. This act shall take effect immediately.

Approved April 4, 1851.

[No. 101.]

AN ACT to incorporate the City of Ann Arbor.

Section 1. *The People of the State of Michigan enact*, That so much of the township of Ann Arbor, in the county of Washtenaw, as is included in the following limits, to wit: all of section twenty-nine, and all those portions of the south half of section twenty, the south west quarter of section twenty-one, and the west half of section twenty-eight, which lie southerly and westerly of the north bank of the Huron River, be and the same is hereby set off from said township and declared to be a city by the name of the "City of Ann Arbor."

Sec. 2. The freemen of said city, from time to time, being inhabitants thereof, shall be and continue to be a body corporate and politic, by the name of the "Mayor, recorder and aldermen of the city of Ann Arbor;" and by that name they shall be known in law, and shall be capable of suing and being sued, and of prosecuting and defending all suits; they may have a common seal, which they may al-

ter at pleasure, and shall be capable of purchasing, holding, conveying and disposing of real and personal estate for the use of said corporation.

Wards, and
their bound-
aries.

Sec. 3. The said city shall be divided into four wards, as follows: the first ward shall embrace all that portion of the city lying east of Huron street and south of Huron street; the second ward shall embrace all that portion of the city lying south of Huron street and west of Main street; the third ward shall embrace all that portion of the city lying north of Huron street and west of Fourth street; and the fourth ward shall embrace all that portion of the city lying north of Huron street and east of Fourth street. The aforesaid division is made by the actual or supposed continuation of the centre line of each of said streets, in the present direction thereof, to the limits of the city: *Provided*, That the common council may at any time alter the bounds of either of said wards.

Officers.

Terms.

Sec. 4. There shall be the following officers in and for said city, to wit: one mayor, one recorder, one marshal, one street commissioner, one attorney, one supervisor, who shall also be assessor, one treasurer, who shall also be collector, and three constables, who shall hold their respective offices for one year, and until their successors are elected and qualified, four aldermen, two school inspectors and two directors of the poor, who shall respectively hold their offices for one and two years, and until their successors are elected and qualified, and four justices of the peace, who shall respectively hold their offices for four years, excepting as is herein afterwards provided.

Elections;
how held.

Proviso.

Sec. 5. The inhabitants of said city, having the qualification of electors under the constitution of this State, shall, on the first Monday of April instant, at the court house in said city, and on the first Monday in April in every year thereafter, at the same place, unless the common council shall designate some other place of meeting, proceed to elect by a plurality of votes by ballot, from among the qualified electors of said city, one mayor, one recorder, two aldermen, one supervisor, one justice of the peace, one marshal, one street commissioner, one treasurer and collector, three constables, one school inspector, and one director of the poor: *Provided*, That at the first election to be holden under this act, there shall be chosen four aldermen, one school inspector and one director of the poor, for one year,

And provided also, That at such first election so many justices of the peace shall be chosen as may be necessary to fill all vacancies which may then exist in the office of justice of the peace in the township of Ann Arbor, so that there shall be four of said justices in said city, including those who have been elected in said township; and who shall continue to hold their said offices until the expiration of the term for which they were elected; and said justices shall continue to be chosen, one in each year, in the same manner: they shall have the like powers and shall be subject to the same duties and liabilities as justices of the peace in the several townships of this State.

Sec. 6. Immediately after the first election, the four aldermen who shall be elected shall divide themselves into classes; the term of office of two of said aldermen, composing the first class, shall terminate at the expiration of one year, and of the second class, at the end of two years, so that two of said aldermen shall thereafter be elected annually, and shall hold their offices for two years, and until their successors are elected and qualified: each of said aldermen shall reside in the different wards for which they are respectively elected.

Classification of aldermen; term of office.

Sec. 7. At the first election to be holden under this act, there shall be chosen *visa voce*, by the electors present, two judges and a clerk of the election, who shall, before proceeding to the discharge of their duties, make an oath or affirmation, faithfully to discharge the duties of their respective offices at such election; which oath or affirmation may be administered by any person authorized to administer oaths; and at all subsequent elections, the mayor and aldermen, or any two of them, shall be the judges, and the recorder shall be the clerk. At the close of the polls, the votes shall be canvassed, and a statement thereof proclaimed by one of the judges, and a correct record of the number of votes given for each person shall be made by the recorder, and signed officially by the persons holding the election.

1st election; proceedings of.

Canvass of votes; proclamation of statement.

Sec. 8. It shall be the duty of the recorder, or in case of his neglect so to do, then of the mayor, to cause five days notice of every election to be given, by posting up written or printed notices thereof in five or more public places in said city: *Provided,* That if notice of any election shall not be given as herein required, it shall be lawful

Noti elec' how

for the electors to meet at the proper time and place and hold the election; and in case of the non-attendance or neglect of the proper officers to act, the electors present may *visa voce* choose persons to act in their places: *And provided also*, That if any election of officers under this act shall not be made on the day when it ought to have been made, the said corporation shall not for that cause be dissolved; but it shall be lawful to hold such election at any time thereafter, public notice thereof being given as provided in this act. At all elections the polls shall be opened between the hours of nine and eleven o'clock in the forenoon, and be closed at four o'clock in the afternoon.

Provido.

Time of opening and closing polls

Oath of elector.

Sec. 9. Every person offering to vote at any election in said city, shall, if required by any elector present, before he shall be permitted to vote, take the following oath or affirmation before one of the judges of such election: "I do solemnly swear (or affirm) that I am a citizen of the United States, (or, that I was a resident of the State of Michigan on the twenty-fourth of June, eighteen hundred and thirty-five; or, that I was a resident of this State on the first day of January, eighteen hundred and fifty, and have declared my intention to become a citizen of the United States, pursuant to the laws thereof, six months preceeding this election; or, that I have resided in this State two years and six months, and declared my intentions as aforesaid,) that I am of the age of twenty-one years, that I am now and for ten days last past have been a resident of the city of Ann Arbor, and that I have not voted at this election." Upon taking such oath he shall forthwith be permitted to vote.

Recorder to notify officers of their election.

Constitutional oath; where filed.

Common council.

Sec. 10. It shall be the duty of the recorder, as soon as practicable, and within five days after any election, to notify the officers respectively of their election, who shall, within ten days after receiving such notice, take an oath or affirmation to support the constitution of the State of Michigan, and faithfully and impartially to perform the duties of their respective offices; a certificate of which oath, made by the person administering the same, shall be filed in the office of the recorder.

Sec. 11. The mayor, recorder and aldermen, when assembled together and organized, shall constitute the common council of the city of Ann Arbor, and a majority of the whole, (the mayor or re-

for the transaction of business, (but a less number may adjourn from time to time,) and the common council may be summoned to hold their meetings at such time and place as the mayor, or in case of his absence or inability from any cause to act, the recorder may appoint. The common council shall have power to impose, levy and collect such fines as they may deem proper, not exceeding five dollars, for the non-attendance at any meeting of any officer of the corporation who has been duly notified to attend the same. The mayor shall preside at all meetings of the common council, and the recorder shall keep a record of the proceedings thereof. In case of the absence of the mayor or recorder from any such meeting, the members present may appoint a president or recorder pro tempore.

Time and place of meeting.

Fine for non-attendance.

Sec. 12. The common council shall have power to appoint an attorney for the city, and a chief engineer of the fire department, and such other officers, whose election is not herein specifically provided for, as they may deem necessary to carry into effect the powers granted by this act, and to remove the same at pleasure. They shall also have power to remove the marshal, treasurer or street commissioner, for any violation of the ordinances of the common council; and in case of the death, resignation or removal from office, or neglect to qualify, of any officer of the corporation, the common council shall, as soon as may be, appoint an officer to fill such vacancy for the unexpired portion of the year; and all officers so appointed shall be notified and qualified as herein directed: *Provided*, That the common council may at any time order a special election to fill a vacancy in any office which is elective under this act.

Powers of common council.

To remove officers and fill vacancies.

Sec. 13. The common council shall have power to organize, maintain and regulate a police of the city, and to make all such by-laws and ordinances as they shall deem necessary for the preservation of the public peace, for the suppression of riots, for the apprehension and punishment of vagrants, drunkards and disorderly persons; to suppress all disorderly houses and house of ill fame; to prohibit every species of gaming; for the prevention and abatement of all nuisances within the limits of the city; to prevent the selling or giving away of any spirituous or fermented liquors to any common drunkard; to

May organize and maintain city police, establish by-laws, &c.

regulate the keeping of gun powder, and to prevent the discharge of every species of fire-arms; to prevent the violation of the Sabbath and the disturbance of any religious congregation, or any other public meeting assembled for any lawful purpose; to provide against and punish immoderate riding or driving in any of the streets of the city: and for the purpose of carrying into effect the powers conferred by this section, the common council shall have power to prescribe in any by-law or ordinance which may be made by them, that the person offending against the same shall forfeit and pay such fine as they shall deem proper, not exceeding one hundred dollars, or be imprisoned in the county jail for a term not exceeding thirty days; or the common council may, in such by-law or ordinance, direct that the offender shall be punished by fine and imprisonment, or by both fine and imprisonment, (within the limits aforesaid,) in the discretion of the justice who shall try the offender.

Offences
against city
by-laws and
ordinances;
how tried
and deter-
mined.

Sec. 14. Any justice of the peace residing in said city of Ann Arbor, shall have full power and authority, and it is hereby made the duty of such justice, upon complaint to him in writing, to inquire into and try and determine all offences which shall be committed within said city against any of the by-laws or ordinances which shall be made by the common council, in pursuance of the powers granted by this act; and to punish the offenders as by the said by-laws or ordinances shall be prescribed or directed; to award all process, and take recognizance for the keeping of the peace, for the appearance of the person charged, and upon appeal, and to commit to prison, as occasion shall lawfully require.

Common
council may
use county
jail.

Sec. 15. The corporation of the city of Ann Arbor shall be allowed the use of the common jail of the county of Washtenaw for the imprisonment of all persons liable to imprisonment under the by-laws and ordinances of the common council; and all persons committed to jail by any justice of the peace, for any violation of a by-law or ordinance of said common council, shall be in the custody of the sheriff of the county, who shall safely keep the person so committed until lawfully discharged, as in other cases.

Sec. 16. Whenever any person charged with having violated any ordinance of the common council, by which the offender is liable to imprisonment, shall have escaped from said city, or shall reside or

Justice of the peace residing in said city, to whom complaint shall be made, shall issue a warrant to any sheriff of any county in this State, commanding him forthwith to bring the body of such person before him, to be dealt with according to law; and every sheriff or other officer to whom such warrant shall be delivered for service, is hereby required to execute the same, under the penalties which are by law incurred by sheriffs and other officers for neglecting or refusing to execute other criminal process; and in case the person charged as aforesaid shall be within the county of Washtenaw, the said warrant may be served by the marshal of the city, or by the sheriff or any constable of the county.

Justice of the peace may issue warrant in case of violation of ordinance.
Warrant; by whom may be served.

Sec. 17. All process issued by any justice of the peace to enforce or carry into effect any of the by-laws or ordinances of the common council, (except in the cases mentioned in section sixteen of this act,) shall be directed "to the marshal of the city of Ann Arbor," or "to any constable of the county of Washtenaw;" and such process may be executed by any of said officers any where within the county of Washtenaw, and shall be returned the same as other similar process issued by justices of the peace.

Process; how directed.

Sec. 18. The mayor of said city shall have the same power, as conservator of the peace within the limits of the city, as any justice of the peace has, or may by law have; and it is hereby made his duty to see that the by-laws and ordinances are faithfully enforced; and to this end it shall be lawful for him, when any person or persons shall in his presence be guilty of a breach of the peace, or any violation of an ordinance of the common council, punishable by imprisonment, to direct the marshal or other officer forthwith to apprehend such offender or offenders, and take him or them before a justice of the peace for said city, who shall, without unreasonable delay, proceed to the examination and trial of the party accused.

Powers and duties of mayor.

Sec. 19. The marshal of said city shall, before entering upon the discharge of the duties of his office, give such security for the faithful performance of his duties as the common council shall direct and require. He shall be chief of the police, and it shall be his duty to serve all process that may be lawfully delivered to him for service, to see that all the by-laws and ordinances of the common council are promptly and efficiently enforced, and especially those which may

Marshal to give security for faithful performance of duty

To be chief of police.

General du-
ties.

be passed to carry into effect the powers granted by section thirteen of this act. He shall obey all the lawful orders of the mayor, and may command the aid and assistance of all constables and all other persons, in discharge of the duties imposed upon him by law. He may appoint such number of deputies as the common council shall direct and approve, who shall have the same powers, and perform the same duties as the marshal, and for whose official acts he shall be in all respects responsible; and the marshal and his deputies shall have the same power to serve and execute all process on behalf of the corporation of said city, or of the people of this State, as sheriffs or constables have by law to execute similar process.

May estab-
lish fire
companies.

Sec. 20. The common council shall have power to make all such by-laws and ordinances as they shall deem necessary and proper to secure said city and the inhabitants thereof against injuries by fire; to compel the owners or occupiers of buildings to procure and keep in readiness such number of fire buckets as they may direct; to establish, maintain and regulate all such fire engine, hook and ladder and hose and bucket companies as they may deem expedient; to construct reservoirs, and provide such companies with necessary and proper buildings, engines and other implements to prevent and extinguish fires; to appoint from among the inhabitants of said city such number of persons, not exceeding fifty to any one company, as are willing to accept, or as may be deemed proper to be employed as firemen. And every such company shall have power to appoint its

By-laws of
fire compa-
nies.

own officers and to pass by-laws for its organization and government, subject to the approval of the common council, and to impose and collect such fines for the non-attendance or neglect of duty of its members as may be deemed necessary and proper. And every person belonging to such company shall annually obtain from the recorder a certificate, which shall be prima facie evidence of his membership for one year from the date thereof. Every member of such company, during his membership, shall be exempt from service on juries, from military duty in time of peace, and from the payment of a poll tax.

Exemptions

Duty of fire
companies.

Sec. 21. It shall be the duty of such company to keep in good order and repair its fire engine, hose, ladders, and other implements; to assemble at least once in each month for the purpose of working

its fire engine; and upon any alarm, or breaking out of fire within said city, each company shall forthwith assemble at the place of such fire, with its fire engine and other implements, and be subject to the orders of the chief engineer of the fire department.

Sec. 22. Upon the breaking out of any fire in said city, the marshal shall immediately repair to the place of such fire, and aid and assist, as well in extinguishing the fire as in preventing any goods or property from being stolen or injured, and in protecting, removing and securing the same; for which purpose, and as chief of the police, he may require the assistance of all by-standers; and in the performance of his said duties, the marshal shall in all respects be subject to the orders of the mayor, or such of the aldermen as may be present.

Duty of marshal in case of fire.

Sec. 23. The common council shall have power, and it shall be their duty, to adopt measures for the preservation of the public health of said city; to restrain or prohibit the exercise of any unwholesome or dangerous avocation within the limits of the city; to establish a board of health and to invest it with such powers and to impose upon it such duties as shall be necessary to secure the inhabitants of said city from contagious, malignant and infectious diseases; to provide for its proper organization and for the appointment of the proper officers; and they shall have authority to make all such by-laws and regulations for the government of such board of health, and for the preservation of the health of the inhabitants of said city, as shall secure a prompt and efficient discharge of the duties imposed upon the common council by this act.

Board of health.

Sec. 24. The common council shall have power to regulate the time and manner of working upon the streets, lanes and alleys in said city; to provide for the grading, planking or paving and railing the sidewalks, and to prescribe the width thereof; to prevent the obstruction or encumbering of any of the streets, lanes, alleys, sidewalks or public grounds in said city; to lay out, open, make and repair streets, lanes and alleys, and the same to alter and vacate, and to alter or vacate those already laid out. Before any street, lane or alley shall be laid out, altered or vacated, the common council shall give notice thereof to the owners, occupants or persons interested, or his or their agent or representative, by personal service or by posting up

General power and duties of common council in reference to streets, lanes, alleys, &c

notices in five or more public places in the city, stating the time and place when and where the common council will meet to consider the same, and describing the street, lane or alley proposed to be laid out, altered or vacated; which notice shall be posted at least ten days before the time of meeting. If, after hearing the persons interested who may appear before them, the common council shall determine to lay out or alter any street, lane or alley, they may purchase of any person or persons through whose lands the same may pass, the right of way. If the sum to be paid therefor cannot be agreed upon, it shall be lawful for the mayor to issue a venire, directed to the marshal, commanding him to summon twelve disinterested freeholders of the county, not residing in said city, to appear before the mayor at a time and place in said venire to be mentioned, not less than five days from the issuing thereof, to inquire into and assess the damages occasioned to such person or persons by the laying out or altering of such street, lane or alley; which jury, being first sworn by the mayor faithfully and impartially to assess the damages in question; and having heard the testimony of witnesses, if any be sworn, and the representations of the person or persons interested in the premises, shall assess the damages sustained by each person respectively, whether as owner or occupier thereof, according to their several interests in the same, which assessment shall be signed by the jurors assessing the damages and be delivered to the mayor, who shall cause the same to be filed in the recorder's office. All sums so assessed shall be paid or tendered to the person or persons in favor of whom such assessment shall be made, before such street, lane or alley shall be opened or used. If any person in whose favor such assessment shall be made, shall refuse to receive the amount of such assessment, or if he shall not reside in said city, so that the same can be tendered to him, the money shall be deposited with the treasurer of the city, to be delivered to the person lawfully entitled to receive the same, and thereupon the common council may proceed forthwith to cause such street, lane or alley to be opened and used: *Provided*, That any persons claiming damages who shall be aggrieved by such assessment may appeal therefrom to the circuit court of the county of Washtenaw, upon giving written notice to the mayor of his intention to appeal, within five days after the assessment shall

Provided.

LAWS OF MICHIGAN.

be made; but such appeal shall not prevent the immediate or altering and using such street, lane or alley. Upon receipt of said assessment with a copy of the notice of appeal filed in the circuit court at its next session, or within ten days after the assessment is made, the court shall have jurisdiction of the appeal, and shall proceed in the same manner as is usual in other appeals, to assess the damages; and if the damages awarded by the court upon such appeal shall not be greater than the damages awarded by the jury, or than shall have been tendered or demanded hereinbefore provided, the court shall give judgment in favor of the party appealing for the costs of the appeal.

Sec. 25. The street commissioner, and such other officers of the common council shall direct and appoint, shall, under the authority of the common council, superintend the making, paving, repairing, opening of all streets, lanes, alleys, bridges and side walks within the limits of the city, in such manner as he or they may from time to time be directed. The common council shall have power to levy the expenses of making, paving and opening streets, lanes and alleys, of grading, paving or planking side walks; of making drains, sewers, and other local improvements, to be assessed against the owners or occupants of the lots or premises which are in front of or adjoining such improvements, or by general tax, as they may deem just and proper: *Provided*, That no such assessment shall be levied or collected other than by general tax, unless upon the application in writing, of two-thirds of all the owners or occupants of the real estate which may be subject to pay the tax for such local improvement. And the common council shall have power to make laws and ordinances relative to the mode of assessing, levying and collecting such tax, and they may by such by-laws and ordinances provide that the real estate assessed for such improvements shall be sold or leased for a term of years to pay such assessment.

Sec. 26. The common council shall have authority to make laws and ordinances relative to the powers, duties and compensation of the officers of said corporation, subject to the restriction as to the compensation of officers mentioned in this act relative to the compensation of the electors of the city, to licensing showmen and to exhibitions where money or other consideration is demanded.

LAWS OF MICHIGAN.

received for admission, and to fix the amount of such license; to protect and regulate all public grave yards, and the burial of the dead in said city to direct the number of and license inn keepers and common victuallers; to provide for the collection and disposition of all fines and penalties which may be incurred under the by-laws and ordinances of said city; to prevent swine, cattle, horses, dogs and other animals from running at large in said city, and to establish and regulate one or more pounds therein; and to make all such other by-laws, ordinances and regulations for the purpose of carrying into effect the powers conferred by this act, which they may deem necessary to provide for safety and good government of the city, and to preserve the health and protect the property of the inhabitants thereof; and to this end the common council may impose fines and penalties for any violation of the by-laws and ordinances which may be made by them as aforesaid: *Provided*, That no by-law or ordinance shall impose a fine exceeding one hundred dollars, nor subject the offender to imprisonment in the county jail exceeding thirty days: *And provided further*, That no by-law or ordinance of the common council, subjecting any person to fine or imprisonment, shall be of any effect until the same shall have been published for two weeks successively in a newspaper printed in said city.

Provided

Provided.

Imposition
of fines;
how collected.

Sec. 27. All fines imposed by any by-law or ordinance of the common council may be sued for by the attorney of the city, in his own name or in the name of the corporation, before any justice of the peace of said city; and whenever any fine shall be imposed by any justice of the peace for a violation of any ordinance of the common council, it shall be the duty of the justice forthwith to issue execution to the marshal of the city, commanding him to collect of the goods and chattels of the person so offending, the amount of such fine, with interest and costs; and for the want of goods and chattels wherewith to satisfy the same, that he take the body of the defendant and commit him to the common jail of the county, and the sheriff shall safely keep the body of the person so committed until he be discharged by due course of law; and the defendant shall remain imprisoned until the execution, with the fees of the sheriff, shall be paid: *Provided*, That the common council may remit such fine, in whole or in part, if it shall be made to appear that the person so imprisoned is unable to pay the same.

Sec. 28. All actions against the city of Ann Arbor shall be commenced by summons, which shall be served upon the recorder at least six days before the return day thereof, by giving him a copy of said summons, with the name of the officer serving the same endorsed thereon; or in case of the absence of the recorder from the city, then by leaving such copy with the mayor, endorsed as aforesaid.

Summons against city—how served.

Sec. 29. In all suits in which the corporation of the city of Ann Arbor shall be a party, or shall be interested, no inhabitant of said city shall be deemed incompetent as a witness or juror, on account of his interest in the event of such suit or action: *Provided*, Such interest be such only as he has in common with the inhabitants of said city.

Witnesses and jurors not incompetent on account of interest as residents.

Sec. 30. In all trials before any justice of the peace of any person charged with a violation of any by-law or ordinance of the common council, either party shall be entitled to a jury of six persons, and all the proceedings for the summoning of such jury, and in the trial of the cause, shall be in conformity, as near as may be, with the mode of proceeding in similar cases before justices of the peace; and in all cases, civil and criminal, the right of appeal from the justice's court to the county or circuit court having jurisdiction of the cause, shall be allowed; and the party appealing shall enter into a recognizance, conditioned to prosecute the appeal in the county or circuit court, as the case may be, and abide the order of the court therein, or such other recognizance as is or may be required by law in appeals from justices' courts in similar cases.

Person violating by-law or ordinance entitled to jury.

Right of appeal.

Sec. 31. The common council shall have power to assess and collect from every white male inhabitant of said city, over the age of twenty-one years, (except paupers, idiots and lunatics,) an annual capitation or poll tax, not exceeding seventy-five cents; and they may provide by their by-laws for the collection of the same: *Provided*, That any person assessed for a poll tax may pay the same by one day's labor upon the streets, under the direction of the street commissioner, who shall give to each person so assessed, notice of the time and place when and where such labor will be required; and the money raised by such poll tax, or the labor in lieu thereof, shall be expended or performed in the respective wards where the person so taxed shall reside.

Authority of common council to assess and collect annual capitation tax.

General powers and duties of common council.

Sec. 32. The common council of said city is hereby authorized and required to perform the same duties in and for said city as are by law imposed upon the township boards of the several townships of this State, in reference to schools, school taxes, county and State taxes, the support of the poor, and State, district and county elections; and the supervisor and assessor, justices of the peace, recorder, school inspectors, directors of the poor, and all other officers of said city who are required to perform the duties of township officers of this State, shall take the oath, give the bond, perform like duties, and receive the same pay and in the same manner, and be subject to the same liabilities, as is provided for the corresponding township officers, excepting as is otherwise provided in this act, or as may be provided by the ordinances of the common council.

May levy and collect taxes on real & personal estate.

Proviso.

Sec. 33. The common council shall have authority to assess, levy, and collect taxes on all the real and personal estate taxable in said city, which taxes shall be and remain a lien upon the property so assessed until the same shall be paid: *Provided*, That they shall not raise by general tax more than five hundred dollars in any one year, exclusive of school taxes and taxes for highway purposes, unless authorized thereto by a vote of the property tax payers of said city who are electors, when convened for that purpose pursuant to previous notice.

Additional tax; how raised.

Proviso.

Sec. 34. Whenever the common council shall deem it necessary to raise a greater sum in any one year than five hundred dollars, exclusive of taxes for school and highway purposes, they shall give at least five days notice in writing, to be posted up in five public places in said city, which notice shall state the time and place of such meeting, and shall specify the objects and purposes for which the money proposed to be raised is to be expended; and when such meeting shall be assembled in pursuance of such notice, such electors, by a viva voce vote shall determine the amount of money which shall be raised for each object specified in the notice: *Provided*, That such tax shall not in any one year exceed one per cent. upon the valuation of the real and personal estate taxable within the limits of the city: *And provided also*, That not more than two such meetings shall be holden in any one year to determine the amount of tax to be raised; at all such meetings, the mayor, or in his absence, the recorder shall preside.

Proviso.

the supervisor in taking the assessment of property in the respective wards where the alderman resides; and all State, county and school taxes in said city, and all city taxes which shall be raised by general tax, shall be levied and collected, as near as may be, in the same manner as is provided by law for the assessment and collection of taxes by township officers; and all the proceedings for the return, sale, and redemption of real estate for non-payment of taxes shall be in conformity with the proceedings for the return, sale and redemption of real estate by township officers.

now revised
and collected.

Sec. 36. Whenever the common council shall be authorized by a vote of the property tax holders of said city to raise a tax, for any specific purpose, and which cannot be included in the assessment roll and collected or returned for non-payment, as provided in section thirty-five of this act, it shall be lawful for the common council to apportion such tax upon the property according to the valuation, as contained in the then last city assessment roll, and shall place the tax in a column opposite the valuation of the property; and when such roll is completed, the recorder shall make and deliver a copy thereof to the city treasurer, together with a warrant, signed by the mayor and recorder, commanding the treasurer to collect the same, and make return of his proceedings by virtue of said warrant within a time in said warrant to be specified, not less than thirty nor more than ninety days from the date thereof; and it shall be the duty of the treasurer to collect said taxes within the time specified in said warrant, or within such further time as the common council may by resolution direct.

Apportionment of taxes for specific purposes; how made.

Duty of treasurer.

Sec. 37. The common council may by ordinance provide for the collection of all taxes necessary to be raised, other than such as may be raised as provided in section thirty-five, and for the sale of any real estate for the non-payment of such tax and for the redemption thereof: *Provided*, That all the proceedings relative to the notice of sale, the manner of conducting the same, and the time to redeem shall be in conformity as near as may be to the provisions of law regulating the sale of lands delinquent for township taxes.

Provided for the collection of taxes for the sale of real estate.

Sec. 38. The treasurer of said city shall keep a regular account of all moneys received and disbursed by him, in books to be pro-

Treasurer's
duty in re-
ference to re-
ceiving and
disbursing
moneys.

for that purpose, in which the name of every person to whom money shall be paid shall be entered at full length, and on what account the same was paid, which books shall at all reasonable hours be open to the inspection of any freeman of said city. All moneys received for the use of said city shall be paid into the city treasury; and no money shall be drawn from the treasury unless it shall have been previously appropriated by the common council to the purpose for which it shall be drawn, and the treasurer shall pay out no money but upon the written warrant of the mayor and recorder.

Corporation
not to issue
evidence of
debt.

Sec. 39. No bond, note, or other obligation or evidence of indebtedness of said corporation shall ever be given or issued by said corporation, or by any officer thereof, in his official capacity, whereby the said city shall become obligated to pay any sum of money; but the common council may endorse on all accounts which may be presented against the city, the amount allowed by them thereon; an account of all claims so allowed shall be kept by the recorder in a book to be provided for the purpose. No order or warrant for the payment of money shall be drawn upon the treasury when there shall not be sufficient funds in the treasury to pay the same.

Endorse-
ment of
claims.

Compensa-
tion of offi-
cers.

Sec. 40. The officers of said corporation shall be entitled to receive out of the city treasury the following sums, in full payment for their services: the mayor shall be paid one dollar per annum; the aldermen shall be entitled to receive one dollar per day when employed in assisting the supervisor in taking the assessment; the recorder and attorney shall be entitled to receive, respectively, such sum as the common council shall allow, not exceeding twenty-five dollars per annum; the marshal shall be entitled to receive the same fees for serving process in behalf of the corporation as constables are by law allowed for similar services; and he shall also receive such further compensation, not exceeding twenty-five dollars per annum, as the common council shall allow; the treasurer and collector, justices of the peace and constables shall be allowed the same fees as are by law allowed to corresponding township officers; the street commissioner, supervisor, director of the poor, school inspectors and all other officers of said city, shall be entitled to receive such compensation as the common council shall allow, not exceeding one dollar per day for every day actually employed in the performance of the duties of their respective offices.

year, make out a detailed statement of all the receipts and expenditures of the corporation for the past year, which statement shall state particularly upon what account all moneys were received, and it shall also specify all appropriations made by the common council during the year, and the particular purpose for which each appropriation was made. Such statement shall be signed by the mayor and recorder and be filed in the recorder's office; a copy thereof shall be published in a newspaper printed in said city for at least two weeks.

statement
of receipts
and expendi-
tures.

Where filed.

Sec. 42. All the rights of the corporation known as the common council of the village of Ann Arbor, in and to all personal and real estate, rights, credits and effects whatsoever, is hereby declared to be fully and absolutely vested in the corporation created by this act, saving nevertheless to all and every person, his or their just rights therein; and to the end that all and singular the estates, rights and property aforesaid may be fully vested in the corporation of the city of Ann Arbor, every person who is or shall be possessed thereof, shall deliver the same to the mayor, recorder and aldermen, with all moneys, deeds, evidences of debt, property, books and papers, touching or concerning the same, when legally required thereto.

Transfer of
village
rights to
city.

Sec. 43. The township of Ann Arbor shall retain its present organization, subject to the alteration of boundaries herein made and provided, and the next annual township meeting for said township shall be holden at the Washtenaw House; at which election there shall be chosen all such township officers as by law the several townships are authorized to elect. The electors at such election may choose the judges and clerk thereof, and all the provisions of law relative to the adjournment of the place of holding such election shall apply to such meeting.

Present or-
ganization
of township
of Ann Ar-
bor retain-
ed; subject
to alteration
of bounda-
ries.

Sec. 44. All acts heretofore enacted in regard to the village of Ann Arbor, coming within the purview of this act, are hereby repealed: *Provided*, That the repealing of said acts shall not effect any act already done, or any right acquired under, or proceeding had or commenced by virtue thereof; but the same shall remain as valid as if said acts remained in full force.

Laws in re-
lation to
village of
Ann Arbor
repealed.
Provided.

Sec. 45. This act shall be deemed a public act, and shall be favorably construed in all courts.

Sec. 46. The Legislature may at any time alter, amend or repeal this act.

Sec. 47. This act shall take effect and be in force from and after its passage.

Approved April 4, 1851.

[No. 102.]

AN ACT to amend section five of an act entitled an act to amend an act to provide for the draining of swamps, marshes and other low lands, approved April third, eighteen hundred and forty-eight, and supplementary to said act.

Sec. 5 of act
No. 905 of
1848 amended.

Section 1. *The People of the State of Michigan enact.* That section five of an act entitled, an act to amend an act to provide for the draining of swamps, marshes and other low lands, approved April third, eighteen hundred and forty-eight, be amended by striking out all after the word "state," in the seventh line of said section; so that said section, when amended, shall read as follows:

"Sec. 5. Section nine is hereby amended by inserting after the word "taxes," in the eighth line, the words "but the Auditor General shall not be required to credit or pay to either of the counties any such tax returned to his office until the same shall have been actually paid into the office of the State Treasurer for such taxes, or for the sale of lands to individuals."

Lands delinquent for taxes; how sold.

Sec. 2. All lands on which a tax has been levied by virtue of an act to provide for the draining of swamps, marshes and other low lands, approved March seventeenth, eighteen hundred and forty-seven, or the said act of April third, eighteen hundred and forty-eight, and which are or may be returned to the office of the Auditor General delinquent for such tax, shall be advertised and sold for such taxes, at the same time and in the same manner as lands delinquent for other taxes, except that no such lands shall be bid in for the State for any such tax, and excepting that the amount of such tax on each description of the lands so returned shall be stated and advertised in a line separate and distinct from all other taxes, and all such lands shall first be sold for the State, county, town, school and highway taxes, if any; and in case any such lands are bid in for the State, for State.

LAWS OF MICHIGAN.

county, township, school or highway taxes, they shall be the taxes assessed under the provisions of the acts hereinbefore mentioned, subject to the payment of such State, county, town, and highway taxes; and no deed of such lands shall be recorded by the Auditor General for such ditch tax until such bid to the State and its lien thereon shall be fully satisfied. Any person may bid in any land for such ditch tax which may have been sold to any other person or persons, or to the State, for any other taxes above mentioned, shall have the right to redeem the same within the time allowed by law; and unless some other person having a right to redeem, shall, before the time of redemption would have been tendered to the holder or owner of a certificate of sale for such ditch tax the amount which he may have paid on the redemption of such taxes as aforesaid, with the same interest as would have been payable to the Auditor General or State Treasurer up to the same time, then the person having so redeemed such lands from sale for such other taxes, his heirs or assigns, shall have and possess all the rights under and by virtue of such redemption as if the same had been originally purchased by him for such other taxes, and a deed of duly executed by the Auditor General; and all deeds duly recorded by the Auditor General for lands sold for any such delinquent ditch taxes, shall be as valid and effectual to all intents and purposes as deeds on sale of lands for other taxes returned to the office of the Auditor General.

Sec. 3. All bids made for any of the lands which may be sold for taxes assessed under the provisions of the acts aforesaid, may be paid in warrants drawn under the provisions of said acts by the commissioners on the treasurer of said county in which the land is situated; and such warrants shall, if tendered, be received by the Auditor General or treasurer of the county in which they were drawn, in payment of any such tax that may be returned due and consequent.

Sec. 4. To facilitate the payment of the bids and taxes aforesaid, the commissioners aforesaid may, on the application of the holder of any warrant drawn by them or their predecessors, by virtue of an act approved March seventeenth, eighteen hundred and forty-one, take up and cancel any such warrants, and issue other warrant

the amount, in such sums as the holder of the warrant surrendered may desire.

Money not
to be paid
by county
treasurer on
certain
warrants.

Sec. 5. No money shall be paid by any county treasurer of any county in which a tax is assessed for the purpose of drainage, under the said act of March seventeenth, eighteen hundred and forty-seven, on any warrant drawn by the said commissioners, out of any other fund than that derived from such taxes; and no county treasurer shall be authorized or allowed to bid in for the county or State any lands sold or offered for sale for such taxes; but in case any such land shall be and remain unsold when first offered as aforesaid, and such tax shall remain unpaid, the county treasurer shall certify the same to the Auditor General; and the said treasurer shall at any time thereafter sell such land, subject as aforesaid, to any person who will pay the taxes assessed thereon, and the office charges, in the way and manner hereinbefore mentioned, or in cash, at the option of the purchaser; and said treasurer shall issue his certificate of sale to such purchaser, and such certificate shall entitle the purchaser to a deed from the Auditor General for the lands so sold, from and after one year from the time they were first offered for sale by such county treasurer, unless sooner redeemed.

Commissioners to
make report
to board of
supervisors.

Sec. 6. For the information of all persons concerned, the said commissioners shall make a full report in writing to the board of supervisors of the proper county, at the next annual session thereof, setting forth, as near as practicable,

1. What proportion of the ditches or drains, for the construction of which a tax has been levied, are completed, and the amount paid therefor;

2. What proportion are under contract and not completed, and the amount to be paid therefor, and whether such contract or contracts are likely to be performed; also the proportion not yet under contract and the estimated cost of their construction; and whether there is a sufficient amount of unexpended funds created by such tax to complete the work;

3. What amount of such funds has been expended, and for what purposes, exhibiting the items of such expenditures as fully as may be practicable; and also what amount of warrants has been drawn by them against such fund; and shall also report all such other mat-

ters in relation to the subject as they may deem necessary or said board of supervisors may require.

Sec. 7. The board of supervisors of the several counties in which such commissioners have been appointed, shall have full power and authority to control the action of such commissioners, and may make any order in relation to such ditches or drains, or other matters relating thereto, not inconsistent with the public interest or the rights of individuals, which order shall be binding on such commissioners. The board of supervisors shall also have power and authority, for any cause by them deemed sufficient, to remove any or all of such commissioners and appoint others in their stead, with like powers and subject to the same liabilities, any law to the contrary notwithstanding: *Provided*, That nothing contained in this act shall be construed as to effect any contract, vested right or interest existing, made or created at any time previous to the passage of this act.

Power and authority of board of supervisors.

Sec. 8. This act shall take effect immediately.

Approved April 4, 1851.

[No. 103.]

AN ACT to amend section thirteen of chapter eighty-one of the revised statutes of eighteen hundred and forty-six, respecting chattel mortgages.

Section 1. *The People of the State of Michigan enact*, That section thirteen of chapter eighty-one of the revised statutes of eighteen hundred and forty-six, be and the same is hereby amended so that said section shall read as follows:

Sec. 13 of chap. 81 of R. S. of 1846 amended

“Section 13. Every such mortgage shall cease to be valid, as against the creditors of the person making the same, or subsequent purchasers and mortgagees in good faith, after the expiration of one year from the filing of the same, or a copy thereof, unless within thirty days next preceding the expiration of the year, the mortgagee, his agent or attorney, shall make and annex to the instrument or copy on file as aforesaid, an affidavit, setting forth the interest which the mortgagee has, by virtue of said mortgage, in the property therein mentioned; upon which affidavit the township or city clerk shall endorse the time when the same was filed: *Provided*, That such affida- *Provided*

When mortgage shall cease to be valid.

vit being made and filed before any purchase of such mortgaged property shall be made, or other mortgage received or lien obtained thereon in good faith, shall be as valid to continue in effect such mortgage, as if the same were made and filed within the period as above provided."

Approved April 4 1851.

[No. 104.]

AN ACT authorizing the Board of State Auditors to examine and settle claims against the State for the translation and publication of the Governor's Message for the year eighteen hundred and fifty and eighteen hundred and fifty-one.

Duty of
State Audi-
tors.

Section 1. *The People of the State of Michigan enact*, That the Board of State Auditors are hereby authorized and required to examine and liquidate all claims against the State for or growing out of the translations of the Governor's annual message, and the publication thereof in the German, Dutch and French languages, for the several years of eighteen hundred and fifty and eighteen hundred and fifty-one; and the said board shall certify the amount found to be justly due the several claimants as aforesaid, to the Auditor General, who is hereby authorized and required to draw his warrants in favor of such respective claimants, on the State Treasurer, for the sums so certified to be found due; and the State Treasurer is hereby required to pay said warrants out of any moneys in the general fund not otherwise appropriated.

Auditor
General.

State Treas-
urer.

Sec. 2. This act shall take effect from and after its passage.

Approved April 7, 1851.

[No. 105.]

AN ACT to perfect the organization of the county of Marquette, in the upper peninsula, and to attach the county of Schoolcraft thereto for judicial purposes.

Election;
when held,
&c.

Section 1. *The People of the State of Michigan enact*, That to perfect a separate organization of the county of Marquette, there shall be elected in the said county, on the second Mondy of June, in

cers to which by law the said county is entitled; and said election shall in all respects be conducted and held in the manner prescribed by law for holding elections for county and State officers; such officers, when duly qualified, to hold their offices until the first day of ^{Term.} January, eighteen hundred and fifty-three.

Sec. 2. That all that part of the county of Marquette embraced ^{Township of Carp Riv. is organized.} by the said county west of range twenty-six, be and the same is hereby set off and organized into a separate township by the name of Carp River, and the first township meeting for the election of township officers shall be held on the second Monday of June next, ensuing, at the house of B. F. Eaton, in said township.

Sec. 3. That from and after the second Monday in June, in the year eighteen hundred and fifty-one, that the supervisors of the town- ^{who to perform duties of board of supervisors.} ships of Marquette and Carp River, and the justice of the peace of the township of Marquette, whose office shall first expire, be and they are hereby authorized and they are hereby required to perform all the duties now required by law to be performed by the board of supervisors of the several counties of the State, until there shall be three organized townships in said county.

Sec. 4. That the county of Schoolcraft be and is hereby attached ^{Schoolcraft attached to Marquette for judicial purposes.} to the county of Marquette for all judicial purposes.

Sec. 2. That this act shall take effect immediately.

Approved April 7, 1851.

[No. 106.]

AN ACT to provide for a State Board of Equalization.

Section 1. *The people of the State of Michigan enact,* That there ^{Stat} shall be a State board of equalization, to consist of the Lieutenant ^{of c} Governor, Auditor General, Secretary of State, State Treasurer and Commissioner of the Land Office, whose duty it shall be, in the year eighteen hundred and fifty-one, and every fifth year thereafter, to equalize the assessments on all taxable property in the State, as ^{tie} hereinafter provided.

Sec. 2. It shall be the duty of the board to meet at the capitol

When to
meet at cap-
ital.

Who to act
as secretary

the village of Lansing, on the third Monday of August, and the persons composing it shall organize by choosing one of their number chairman, and the deputy Auditor General, or one of the clerks in the office of the Auditor General, shall act as secretary, who shall keep a record of the proceedings, which shall be certified by said chairman and secretary, and filed in the office of the Auditor General.

Constitutional
oath.

Sec. 3. The several persons constituting the board as herein provided, before entering upon the duties of their office, shall each take and subscribe the constitutional oath of office, before some person authorized to administer oaths; which oaths shall be filed and preserved with the proceedings of the board.

Board to ex-
amine tabu-
lar state-
ments of
boards of
supervisors.

Sec. 4. After said board shall have been organized, they shall proceed to examine the tabular statements of the board of supervisors of each county, provided for in the eighth section of this act, and to hear the representatives from the several boards of supervisors as hereinafter provided; and they shall determine whether the relative valuation between the several counties is equal and uniform, according to location, soil, improvements, production, and manufactures; and also whether the personal estate of the several counties has been uniformly estimated, according to the best information which can be derived from the statistics of the State, or from any other source. If, after such examination, such assessment shall be determined relatively unequal, they shall equalize the same by adding to or deducting from the aggregate valuation of taxable real and personal estate in such county or counties, such per centage as will produce relative equal and uniform valuations between the several counties in the State; and the per centage added to or deducted from the valuations in each county, shall be entered upon their records; and the valuations of the several counties, as equalized, shall be certified and signed by the chairman and secretary of the board, and filed in the office of the Auditor General, and shall be the basis for apportioning all State taxes until another equalization shall be made.

Assessment
relatively
unequal,
how equal-
ized.

Duty of Au-
ditor Gen-
eral and Co.
treasurer.

Sec. 5. It shall be the duty of the Auditor General, as soon as may be, after the determination of the State board of equalization shall be filed in his office, as provided in the preceding section, to send a certified transcript of the same to the treasurer of each county.

who shall cause the same to be published in one or more papers in the county.

Sec. 6. A meeting of the board of supervisors for the year eighteen hundred and fifty-one, shall be held on the second Monday of June, and on the second Monday of June every fifth year thereafter; and when convened, the board shall proceed to equalize the assessment rolls in the same manner as is provided in chapter twenty of the revised statutes of eighteen hundred and forty-six; and each of said supervisors shall add up the columns of their respective rolls, enumerating the number of acres of land, and the value of the real estate and personal property so assessed, so as to show the aggregate of each.

Board of supervisors to equalize assessments.

Sec. 7. The board of equalizers shall hear any evidence which may be laid before them by any person appointed by any board of supervisors, and any representation made by such person in behalf of any county.

Evidence.

Sec. 8. It shall be the duty of the clerk of each board of supervisors to make out a tabular statement, from the aggregate of the several assessment rolls, of the number of acres of land, and the value of the real estate and personal property in each township and ward, as assessed, and also the aggregate valuation of the real estate of each roll as equalized, and make a certified copy thereof, signed by the chairman and clerk, and transmit the same to the Auditor General, on or before the second Monday of July following, who shall lay the same before the State board of equalization, when organized.

Clerk of board of supervisors to make out tabular statement.

Where to be transmitted.

Sec. 9. Any three members of the board shall constitute a quorum for the transaction of business. The Lieutenant Governor shall receive three dollars a day for actual attendance, and ten cents a mile for travel in going to and returning from the seat of government, the usual traveled route, to be paid out of the treasury on the warrant of the Auditor General.

Three to constitute quorum. Compensation of Lt. Governor.

Sec. 10. This act shall take effect immediately.

Approved April 7, 1851.

LAWS OF MICHIGAN.

[No. 107.]

AN ACT to provide for an additional Circuit Court Commissioner for the county of Wayne.

Section 1. *The People of the State of Michigan enact, That the Governor may, by and with the advice and consent of the Senate, appoint an additional circuit court commissioner for the county of Wayne, who shall hold his office till the first day of January, one thousand eight hundred and fifty-three, and shall be authorized to discharge all the legal duties of circuit court commissioners, and shall be liable to all the provisions of law touching said office.*

Sec. 2. This act shall take effect immediately.

Approved April 7, 1851.

[No. 108.]

AN ACT to amend section three and section five of an act entitled an act to incorporate the Monroe and Dearborn Plank Road Company, approved February eighteenth, eighteen hundred and fifty.

Sec. 2 of
act No. 30
of 1850 a-
mended.

Section 1. *The People of the State of Michigan enact, That section three of an act entitled an act to incorporate the Monroe and Dearborn Plank Road Company, approved February the eighteenth, eighteen hundred and fifty, be and the same is hereby amended by adding in the second line of section three, after the word "thousand," the words "four hundred;" [so] that section three as amended will read as follows:*

Capital.

"Sec. 3. The capital stock of said company shall be sixty thousand dollars, to be divided into two thousand four hundred shares of twenty-five dollars each; and said company shall be subject to all general laws of this State now in force relative to plank roads, and the same are hereby made a part of this act."

Sec. 6 amended.

Sec. 2. That section five be amended in line five, by inserting after the word "Dearborn," "or not varying more than one half mile therefrom;" [so] that section five as amended will read as follows:

Route.

"Sec. 5. As soon as said company shall be duly organized, the board of directors thereof are hereby authorized to enter upon and take possession of so much of the territorial road, so called, from Monroe to Flat Rock; also so much of the road along which the tel-

ographic wires run from Flat Rock to Dearborn, or not varying more than one half mile therefrom; and proceed to construct and maintain thereon a plank road: *Provided, however,* That during the construction of said plank road, said company shall in no wise prevent or improperly obstruct the usual travel thereon."

Approved April 7, 1851.

[No. 109.]

AN ACT to amend sections two of an act entitled an act to incorporate the village of Coldwater in the county of Branch, approved February 29th, 1837.

Section 1. *The people of the State of Michigan enact,* That section two of an act entitled an act to incorporate the village of Coldwater, in the county of Branch, approved February twenty-ninth, eighteen hundred and thirty-seven, be and the same is hereby amended by striking out the word "May," wherever it occurs in line 4 of the printed section, and insert in lieu thereof the word "March;" so that said section as amended will read as follows:

"It shall be lawful for the free male inhabitants of said town having the qualifications of electors, to meet at the Central Exchange in said village of Coldwater, on the first Monday of March next, and on the first Monday of March, annually, thereafter, and then and there proceed, by a plurality of votes, to elect by ballot a president, recorder and six trustees, who shall hold their offices one year, and until their successors are elected and qualified; and any five of them shall be a board for the transaction of business; but a less number may adjourn from time to time: *Provided,* That if an election of president, recorder and trustees shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice, to be given in the manner hereinafter prescribed."

Sec. 2. It shall be lawful for said corporation to purchase one or more fire engines, and to raise by tax upon the real and personal property within the limits of said corporation, a sum sufficient to pay

By-laws &
ordinances.

for said fire engines, and to make all needful rules, ordinances and by-laws for the prevention of fires, for the organization and regulation of one or more fire companies, and also a hook and ladder company, and to construct reservoirs, not exceeding five in number, and to keep the same in repair; and shall also have power to make, construct and keep in repair all necessary tanks, pumps, pump-logs, pipes, conduits or other things, for the purpose of supplying said re-

Reservoirs.

servoirs with water; and may contract with any person or persons, bodies politic or corporate, for supplying said reservoirs with water, and also make all needful rules and regulations for the preservation of said water-works.

Approved April 7, 1851.

[No. 110.]

AN ACT to authorize the Board of State Auditors to examine and the claim of Samuel W. Pitts.

Section 1. *The People of the State of Michigan enact*, That the board of State auditors be and they are hereby authorized to examine and settle the claim of Samuel W. Pitts, for damages for right of way: *Provided*, That the finding and decision of the said board of State auditors shall be and remain a final adjustment of said matter between him and the State: *And provided further*, That for any sum that shall be found due to the said Samuel W. Pitts by the said board of State auditors, such finding shall be thereupon reported by said board to the Auditor General, who shall draw his warrant on the Treasurer of the State for such sum, to be paid out of the treasury in any moneys therein not otherwise appropriated.

Sec. 2. This act shall take effect immediately.

Approved April 7, 1851.

[No. 111.]

AN ACT to provide for correcting an error made by the treasurer of the town of Phelpstown, in Ingham county, in making his returns to the County Treasurer.

Error au-
thorized to
be corrected

Section 1. *The People of the State of Michigan enact*, That the treasurer of the town of Phelpstown, in the county of Ingham, be

allowed to correct a mistake that occurred in making his returns to the county treasurer of non-resident taxes for the year one thousand eight hundred and fifty, whereby certain non-resident lands were not returned as they should have been, to wit: N $\frac{1}{4}$ of N W $\frac{1}{4}$ and S E $\frac{1}{4}$ of N W $\frac{1}{4}$ of section 36 and N $\frac{1}{4}$ of N E $\frac{1}{4}$ of section 14, both of town four north of range one east.

Sec. 2. The correction above referred to must be made before the second Saturday of April next, or otherwise the privileges of this act shall be null and void. When to be made.

Sec. 3. A transcript of the unpaid taxes above referred to, returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable; and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time as other taxes for the year one thousand eight hundred and fifty, duly returned to the Auditor General for non-payment. Transcript of unpaid taxes, where returned.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 7, 1851.

[No. 112.]

AN ACT to change the name of John Atson Atwater.

Section 1. *The People of the State of Michigan enact*, That the name of John Atson Atwater, a minor and son of Adriae Atwater, of the county of Kalamazoo, be and the same is hereby changed to John Atson Rosebrook.

Approved April 7, 1851.

[No. 113.]

AN ACT to provide for filling vacancies that exist or may occur in certain judicial offices.

Section 1. *The People of the State of Michigan enact*, That it shall be the duty of the Governor, and he is hereby authorized, to fill by appointment any vacancy or vacancies that may exist or hereafter Duty of Governor.

Vacancies; how filled. occur in the offices of judge of the supreme court or county judge; and such appointment shall continue until the first day of January next.

Ibid. Sec. 2. The Governor is also hereby authorized to fill by appointment any vacancy that may occur in the office of circuit court commissioner; such appointment to continue till the first day of January, one thousand eight hundred and fifty-three: *Provided*, That if a vacancy in any of the offices in this act named occur during the session of the Legislature, the appointment to fill the same shall be made by and with the advice and consent of the Senate.

Proviso.

Sec. 3. This act shall take effect immediately.

Approved April 7, 1851.

[No. 114.]

AN ACT to organize the county of Oceana.

County of Oceana organized. Section 1. *The People of the State of Michigan enact*, That the county of Oceana shall be organized, and the inhabitants thereof entitled to all the rights and privileges to which by law the inhabitants of the other organized counties of this State are entitled.

Election of Co. officers; how held. Sec. 2. There shall be elected in the said county of Oceana, on the first Tuesday of November, in the year one thousand eight hundred and fifty-one, all the several county officers to which by law the said county is entitled; and said election shall in all respects be conducted and held in the manner prescribed by law for holding elections for county and State officers: *Provided*, That the county officers so to be elected shall be qualified and enter upon the duties of their respective offices on the first Monday in January, one thousand eight hundred and fifty-two: *Provided further*, That until such county officers are elected and qualified, the proper county officers of the county of Ottawa shall perform all the duties appertaining to the said county of Oceana, in the same manner as though this act had not passed.

Proviso.

Proviso.

County canvassers.

Sec. 3. The board of canvassers in said county, under this act, shall consist of the presiding inspectors of elections from each township therein; and said inspectors shall meet at the county seat of said

act, and organize by appointing one of their number chairman, and another secretary of said board, and shall thereupon proceed to discharge all the duties of a board of county canvassers, as in ordinary cases of elections for county and State officers.

Sec. 4. That the county seat of said county of Oceana be and the [same] is hereby fixed and established on lot two of section two, in town eleven north of range eighteen west, near the mouth of White River, on the north side thereof, until otherwise provided for in accordance with the provisions of law.

Location of
county seat.

Sec. 5. That the counties of Newaygo, Lake, Mason and Manistowish be and they are hereby attached to the county of Oceana for representative purposes.

Counties at-
tached for
Representa-
tive purpo-
ses.

Approved April 7, 1851.

[No. 115.]

AN ACT to provide for publishing the annual report of the Michigan State Agricultural Society.

Section 1. *The People of the State of Michigan enact*, That one thousand and five hundred copies of the annual report of the Michigan State Agricultural Society of the year eighteen hundred and fifty, be printed under the supervision of the Secretary of State, in the same form of those published the preceding year; and the Secretary of State shall cause so much of the statistics of this State, taken by authority of the United States in the year eighteen hundred and fifty, as is required to be condensed and published by an act of the present Legislature, to be printed in the volume of said report, if the same is prepared for publication by the first day of August next; and when completed shall reserve thirty copies for the use of the State Library, and the remaining copies shall be forwarded by him to the recording secretary of the Michigan State Agricultural Society, for the use of said society, under the control of the executive committee thereof.

Annual re-
port of soci-
ety.

Statistics to
be publish-
ed with re-
port.

Sec. 2. And the Secretary of State shall cause the like number of

Copies;
how distri-
buted.

copies of the annual report of said society for the year eighteen hundred and fifty-one, to be published in the same form of those of eighteen hundred and fifty, and shall reserve the like number for the use of the State Library, and forward the remaining copies to the recording secretary of said society, for the use of the society, as above provided.

Report to
be trans-
mitted to
Sec'y State.

Sec. 3. The Michigan State Agricultural Society shall transmit to the Secretary of State the annual report of said society for the year eighteen hundred and fifty-one, and every second year thereafter, embracing the same kind of information as is required in the third section of an act entitled an act to incorporate the Michigan State Agricultural Society, approved March thirty-first, eighteen hundred and forty-nine, any law to the contrary notwithstanding.

Approved April 7, 1851.

[No. 116.]

AN ACT to amend the second section of an act entitled an act to incorporate the Eagle Harbor Mining Company, approved March 27, 1848.

Sec. 2 of act
No. 124 of
1848 amen-
ded.

Section 1. *The people of the State of Michigan enact*, That section two of "an act to incorporate the Eagle Harbor Mining Company," approved March twenty-seven, eighteen hundred and forty-eight, be and the same is hereby amended by striking out from line three the words "one hundred," and inserting the word "thirty;" and by striking out all after the word "Michigan," in the fourth line, and substituting the words "as shall be necessary for the exercise of its corporate franchises;" so that said section shall read:

Capital
stock, &c.

"Sec. 2. The said company shall have corporate succession; its capital stock shall be three hundred thousand dollars, divided into shares of thirty dollars each; and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan as shall be necessary for the exercise of its corporate franchises."

Certificate
of accept-
ance;
where filed.

Sec. 2. This act shall take effect whenever the said company shall file their acceptance of the same in writing, signed by the president or a majority of the directors of said company, in the office of the

Secretary of State: *Provided*, Such acceptance shall be so filed within six months from the passage of this act.

Approved April 7, 1851.

[No. 117.]

AN ACT to provide for notice of application for alterations and amendments of the charters of corporations.

Section 1. *The People of the State of Michigan enact*, That af- Notice of application for alteration or amendment of charters; how given.
ter the session of the legislature for the year eighteen hundred and fifty-one; previous notice of any application to the legislature for an alteration of the charter of any corporation shall be given in the manner hereinafter provided. When the application is made by or on behalf of the corporation, such notice shall be given and signed by the mayor, president, cashier, secretary or other principal officer, or a majority of the directors, aldermen or trustees; and when made by or on behalf of one or more individuals, then by the person or persons making the same; and all such notices shall set forth briefly the nature of the alteration applied for.

Sec. 2. If the business of such corporation shall be local in its ibid.
character, and confined to one of the counties of this State, other than those of the upper peninsula, such notice shall be published in some weekly newspaper published in such county, or if none in the county, then in one published nearest thereto, for at least four successive weeks; the first publication whereof shall be at least thirty days prior to the making of such application. If the business of such corporation shall not be local in its character, or if the business authorized by the charter shall be confined chiefly to the upper peninsula, then such notice shall be published once in each week for four successive weeks, in some paper published in the city of Detroit; the first publication whereof shall be at least thirty days prior to the making of such application. And if the applicant or applicants shall not be able to get such notice published in such paper as in this section mentioned, after having tendered to the publishers thereof a reasonable compensation therefor, then such notice may be filed in the office of the county clerk of the county where the principal business office of such corporation may be located, and a duplicate

thereof in the office of the Secretary of State, at least thirty days prior to such application; and such filing shall be deemed a sufficient publication thereof; and proof of the publication or filing of such notice as in this section mentioned, by affidavit of the publisher, or the certificate of the Secretary of State, shall accompany every application in this section mentioned.

Ibid.

Sec. 3. Nothing in this act contained shall prevent any corporation, or any individual from applying to the legislature for an amendment of any act of incorporation without such notice as above provided, if the amendment applied for be shown to be necessary to provide for any accident or to remedy any defect which may have occurred within the period herein above required for the giving of such notice, nor shall this act prevent the legislature without such notice from amending any charter of a municipal corporation in any particular which they may deem necessary for the public interest; and in either of the cases in this section mentioned, one day's previous notice in either house, by a member thereof, shall be deemed sufficient.

Approved April 7, 1851.

[No. 118.]

AN ACT supplemental to an act entitled an act to incorporate the Walker and Vergennes Plank Road Company, approved April one, eighteen hundred and fifty.

Co. authorized to issue bonds.

Section 1. *The people of the State of Michigan enact*, That for the purpose of providing means for the construction and completion of the plank road of the Walker and Vergennes Plank Road Company, and its buildings and equipments, the said company may issue its corporate bonds or obligations for such amounts, not exceeding in the aggregate the sum of twenty thousand dollars, and in such form as it may deem proper, and payable at such times and places within this State, upon such terms and with such rates of interest (not exceeding ten per cent. per annum) as the board of directors of said company may determine, with the approval of the holders of a majority of the stock of said company; and may secure the payment of the whole or any portion of said bonds or

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obligations by mortgage of the road or other property of said company: *Provided*, No such bond or obligation shall be for a less sum than one hundred dollars. And said company may dispose of and negotiate such bonds or obligations, either within or without this State, at such rates, for such prices and on such terms as said company may determine; and in case said bonds or obligations, or any of them, shall be thus sold, disposed of or negotiated at a discount, said sale, disposal or negotiation shall be as effectual as if said bonds or obligations had been sold or negotiated at their par value; and said bonds or obligations shall be valid and binding as a security for the whole sum due by the terms thereof, in the same manner as if they had been sold or negotiated at their par value: *Provided*, That no such bonds or obligations shall be sold at less than par value without the consent of the holders of three-fourths of the stock of said company.

Sec. 2. For all or any of the purposes aforesaid, said company may create and issue shares of guarantied stock, to be designated "construction stock," to such an amount as it may determine not to exceed (with the original stock subscribed to the capital of said company) the amount of their capital stock allowed by law; and said construction stock shall be entitled to such dividend and payment as the directors of said company may determine, and as shall be determined by the holders of three-fourths of the stock of said company at any annual meeting or any special meeting called for the purpose of bringing into consideration the propriety of issuing such stock; and the holders of such construction stock, and their representatives, shall be entitled to vote and have an equal voice in the management of the affairs of said company with the holders of an equal amount of the original stock of said company: *Provided*, That no such construction stock shall be authorized to be issued at any meeting of said company, unless previous notice of such meeting and the intention of bringing that question shall have been published in some newspaper in the city of Grand Rapids, at least six months previous thereto.

Sec. 3. This act shall take effect immediately, and the said

(Certificate
of accep-
tance;
where filed.

ny shall be entitled to its benefits and subject to its provisions whenever they shall file their acceptance of the same in writing, signed by the president and secretary of said company, under its corporate seal, in the office of the Secretary of State: *Provided*, Such acceptance shall be so filed within six months from the passage of this act.

Approved April 7, 1851.

[No. 119.]

AN ACT to amend an act to incorporate the village of Kalamazoo, and the acts amendatory thereto.

Boundaries.

Section 1. *The People of the State of Michigan enact*, That all that tract of country, situate in the county of Kalamazoo, and designated on the plat in the land office of the western district, as that part of section fifteen (15) south of the north half quarter line and west of the Kalamazoo river and Portage creek, the east half of section sixteen (16) south of the north half quarter line, the north-east quarter of section twenty-one, (21,) and the north half of section twenty-two, (22,) lying north and west of the Portage creek, and including the burying ground on the north-west corner of the south-west quarter of section twenty-two, (22,) in town two south of range eleven west, be and the same is hereby constituted a village corporate, under the name of the village of Kalamazoo.

Sec. 2. This act shall take effect immediately.

Approved April 7, 1851.

[No. 120.]

AN ACT to provide for holding General Elections in the Upper Peninsula.

General
election;
when held.

Section 1. *The People of the State of Michigan enact*, That a general election shall be held in the several townships and wards of that portion of the State denominated the upper peninsula, as described in section one, article nineteen of the revised constitution, and such other territory as may be attached thereto for election purposes, on the last Tuesday of September, [in the year eighteen hundred and fifty-two, and on the last Tuesday of September] every

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two years thereafter, at which there shall be elected one attorney, one senator and three representatives in the State and such county officers as are authorized by law to be the several counties of this State, except prosecuting which election shall be notified, conducted, canvassed, determined and recorded in all respects, as near as may be, to the provisions of law relative to holding general elections as to the time above mentioned, and as is hereinafter provided.

Sec. 2. The county canvass shall be held on the first Tuesday next after such election, and the district canvass shall be held on the last Tuesday of said October, at such places as may be designated by law.

Approved April 7, 1851.

[No. 121.]

AN ACT to provide for the election of a District Judge and of the University in the Upper Peninsula.

Section 1. *The People of the State of Michigan enact,* that an election shall be held in the several townships and wards of the State denominated the Upper Peninsula, as described in section one, article nineteen of the revised constitution, on the first Tuesday of September in the year eighteen hundred and fifty-one and on the last Tuesday of September every sixth year thereafter, at which there shall be elected one district judge for such county and one regent of the university, in conjunction with the county of Wayne; which elections shall be notified, conducted, canvassed, notified, recorded, and the result thereof transmitted, in all respects as near as may be, in conformity with the provisions of an act entitled an act to provide for the election of circuit judges and regents of the university, approved March ten, eighteen hundred and one.

Approved April 7, 1851.

[No. 122.]

AN ACT to provide for publishing the statistics of this State taken by authority of the United States in the year eighteen hundred and fifty.

Duty of
Sec'y State
relative to
certain sta-
tistical in-
formation.

Section 1. *The People of the State of Michigan enact*, That the Secretary of State is hereby authorized and required to cause to be condensed, in proper form for publication, so much of the statistics of this State, taken by authority of the United States in the year eighteen hundred and fifty, as is hereinafter specified, to wit: so much as shows the number of dwelling houses, (designating those in cities,) the number of families, the number of persons, (designating the colored,) the number of deaf and dumb, blind and insane, the number of acres of improved and unimproved land, the aggregate value of real estate, the aggregate value of farming implements and machinery, the number of each class of live stock, and the aggregate value thereof, the number of bushels of each kind of grain, the number of bushels of potatoes and clover seed, the number of pounds of wool, butter, cheese and maple sugar, the value of orchard products, the number of tons of hay, the value of home-made manufactures, the number and kind of mills and manufactories, the motive power, and the value of products.

To be pub-
lished and
by him dis-
posed of.

Sec. 2. And when the statistics shall be condensed as above provided, the Secretary of State shall cause two thousand copies to be printed in pamphlet form; and when published, shall transmit three copies to each organized township in this State—one copy for the use of the supervisor, one copy for the township clerk, and one copy for the township library; and shall also transmit twenty-five copies to the mayor of each city, for the use of the city library.

Compensa-
tion.

Sec. 3. The board of State Auditors shall audit and allow such sums as they may deem proper for clerk hire in preparing the statistics for publication; and the amount certified to be due each individual shall be paid out of the State treasury on the warrant of the Auditor General.

Sec. 4. This act shall take effect immediately.

Approved April 7, 1851.

[No. 123.]

AN ACT to amend an act entitled an act to incorporate the Detroit and Lake St. Clair Plank Road Company.

Section 1. *The People of the State of Michigan enact*, That section four of an act entitled an act to incorporate the Detroit and St. Clair Plank Road Company, approved March twenty-eighth, eighteen hundred and fifty, is hereby repealed, and the following substituted instead thereof, to stand as section four: "As soon as said company shall be duly organized, the board of directors thereof are hereby authorized to enter upon and take possession of so much of the centre of said extension of Jefferson Avenue or river road, so called, commencing at the east line of the corporate limits of the city of Detroit, as lies between the said east line of the city of Detroit and the south east corner of Macomb county, and proceed to construct and maintain thereon a plank road. The inhabitants of the townships of Hamtramck and Grosse Point shall be permitted to travel on said plank road for a rate of toll not exceeding one cent per mile for a double team, and one half of a cent per mile for a single team or horse: *Provided*, That during the construction of said plank road, that said company shall in no wise prevent or improperly obstruct the usual travel thereon: *And provided further*, That the assent of the commissioners of highways, or a majority of them, of the townships through which said road passes, shall first be obtained: *And provided further*, That no toll gate shall be erected or maintained at any point nearer than half a mile from the eastern boundary line of Detroit, and that said company shall obtain the consent of the owner of the premises on which such gate may be erected, before erecting the same, and no toll-house shall be built within the line of the river road."

Sec. 4 of act No. 155 of 1850 repealed.

Authority of board of directors.

Provide.

Provide.

Provide.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings, from the city of Detroit in the county of Wayne, on the extension of Jefferson Avenue or river road, so called, to the south east corner of the county of Macomb.

Approved April 7, 1851.

[No. 124.]

AN ACT supplemental to an act entitled an act to incorporate the St. Clair Plank Road Company, approved April 2, 1849.

Section 1. *The People of the State of Michigan enact*, That for the purpose of providing means for the construction and completion of the plank road of the St. Clair plank road company, and its build- and equipments, the said company may issue its corporate bonds or obligations for such amounts, not exceeding in the aggregate the sum of twenty thousand dollars, and in such form as it may deem proper, and payable at such times and places within this State, upon such terms and with such rates of interest (not exceeding ten per cent per annum) as the board of directors of said company may determine, with the approval of the holders of a majority of the stock of said company, and may secure the payment of the whole or any portion of said bonds or obligations by mortgage of the road or other property of said company: *Provided*, No such bond or obligation shall be issued for a less sum than one hundred dollars. And said company may sell, dispose of and negotiate such bonds or obligations, either within or without this State, at such rates, for such prices and on such terms as said company may determine; and in case said bonds or obligations, or any of them, shall be thus sold, disposed of or negotiated at a discount, said sale, disposal or negotiation shall be as valid and effectual as if said bonds or obligations had been sold, disposed of or negotiated at their par value; and said bonds or obligations shall be valid and binding as a security for the whole sum payable by the terms thereof, in the same manner as if they had been sold, disposed of or negotiated at their par value: *Provided*, That none of such bonds or obligations shall be sold at less than par value without the consent of the holders of three-fourths of the stock of said company.

Also, authorized to issue bonds for certain purposes.

Proviso.

Proviso.

Authority to issue construction stock.

Sec. 2. For all or any of the purposes aforesaid, said company may create and issue shares of guarantied stock, to be denominated "construction stock," to such an amount as it may determine, not to exceed (with the original stock subscribed to the capital of said company) the amount of their capital stock allowed by law; which construction stock shall be entitled to such dividend, and payable at such place, and in such manner, and with such preference or priority

over the remaining stock of said company, in the payment of dividends as the directors of said company may determine, and as shall be approved by the holders of a majority of the stock represented at their annual meeting or any special meeting called for the purpose of taking into consideration the propriety of issuing such stock; and the holders of such construction stock and their representatives shall be entitled to vote and have an equal voice in the management of the affairs of said company, with the holders of an equal amount of the original stock of said company: *Provided*, That no such construction stock shall be authorized to be issued at any meeting of said company, unless previous notice of such meeting and the intention of submitting that question, shall have been published in some newspaper in the county of St. Clair, at least six weeks previous thereto.

Holders of
entitled to
vote.

Provido.

Sec. 3. This act shall take effect immediately, and said company shall be entitled to its benefits and subject to its provisions whenever they shall file their acceptance of the same in writing, signed by the president and secretary of said company, under its corporate seal, in the office of the Secretary of State: *Provided*, Such acceptance shall be so filed within six months from the passage of this act.

Acceptance
of act; where
filed.

Approved April 7, 1851.

[No. 125.]

AN ACT to amend chapter one hundred and fourteen of the revised statutes, entitled of proceedings against debtors by attachment.

Section 1. *The People of the State of Michigan enact*, That in all cases where a writ of attachment has been or shall be issued and served under the provisions of law, it shall be lawful for any defendant whose property may be attached by virtue of such writ, to apply to the judge of the circuit court or to the circuit court commissioner of the county where such writ issued, for a dissolution of such attachment; which application shall be in writing, and shall contain the reasons for such application.

Defendant
may apply
to circuit
judge or cir-
cuit court
commis-
sioner for
dissolut'n of
attachment.

Sec. 2. Upon the presentation of such application, the judge or said commissioner shall issue a citation to the plaintiff in attachment,

Citation to plaintiff; when to issue. requiring him to show cause on a day and at a time and place in said citation to be named, before the said judge or commissioner, why the said attachment should not be dissolved and the property be restored to the defendant in attachment.

How served. Sec. 3. The citation shall be served three days at least before the return day thereof, by reading it to the plaintiff in attachment, (or to either of them, if there be more than one,) if found within the county, and if not, then the same may be served upon the agent or attorney of the plaintiff, by the sheriff, either of his deputies, or any constable or other person authorized by such judge or commissioner, and on the return day thereof, or at such other day thereafter, as the judge or commissioner shall appoint for that purpose, he shall proceed to hear the proofs and allegations of the parties; and if said judge or commissioner shall be satisfied that such plaintiff had not a good and legal cause for suing out such writ, the said judge or commissioner may order such attachment to be dissolved, and the property attached to be restored to the defendant; and may, at his discretion, require the said defendant to enter his appearance to the plaintiff's action prior to the dissolution of such attachment.

When property attached may be restored.

Attendance of witnesses.

Sec. 4. The judge or commissioner shall have full power to issue subpoenas (and if necessary, attachments,) to compel the attendance of witnesses to testify in such cases, and may order the costs of such proceedings, by citation, to be paid by the party against whom the decision of the judge shall be in the premises, and may issue execution therefor, returnable in sixty days from its date.

Approved April 7, 1851.

[No. 126.]

AN ACT to provide for the special election of a county treasurer in the county of Wayne.

Special election.

Section 1. *The people of the State of Michigan enact*, That at the general election to be held in November next, a special election for a county treasurer in the county of Wayne shall be held, and the inspectors of election in the several townships and wards of the city of Detroit, in the county of Wayne, shall provide a suitable box for the reception of ballots for the office of county treasurer; and the spe-

LAWS OF MICHIGAN.

cial election by this act provided for shall be conducted :
sult thereof canvassed and certified, in all respects, a :
be, in like manner as at general elections under existing :)

Sec. 2. As soon as the board of county canvassers :
terminated the person elected to the said office of cour :
they shall cause such person to be notified of his electi :
his complying in all respects with the requirements of :
behalf provided, he shall enter upon the discharge of
said office, and hold the same for the residue of the unc :)

Sec. 3. It shall be the duty of the Secretary of State :
transmit to the sheriff and county clerk of the county :
certified copies of this act; and said county officers, upon :
thereof, shall immediately give notice of the election her :
for to the several township clerks, and publish said notice :
eral daily newspapers in the city of Detroit, daily, till :
election.

Sec. 4. This act shall take effect immediately.

Approved April 7, 1851.

[No. 127.]

AN ACT to repeal an act to amend sections two and three
entitled an act to incorporate the Copper Falls Mining
approved March 15th, 1848, approved March 8th, 1851

Section 1. *The People of the State of Michigan enact,*
act to amend sections two and three of an act entitled an ac
porate the Copper Falls Mining Company, approved Ma
1848, approved March 8th, 1851, be and the same is h
pealed.

Sec. 2. This act shall take effect immediately.

Approved April 7, 1851.

[No. 128.]

AN ACT to amend sections sixty-eight and seventy-four of an act to consolidate the laws in relation to county courts, and for other purposes, approved April second, one thousand eight hundred and forty-nine, and to provide for the removal of causes from said county courts to the circuit courts.

Sec. 68 of
act No. 219
of 1849 a-
mended.

Section 1. *The People of the State of Michigan enact*, That section sixty-eight of an act to consolidate the laws in relation to county courts, and for other purposes, approved April second, one thousand eight hundred and forty-nine, be and the same is hereby amended so as to read as follows:

Notice of
intention to
remove
cause; and
affidavit
thereon.

"Sec. 68. The party intending to apply for such certiorari shall give to the judge of the county court rendering such judgment, within ten days after the rendition of the same, a notice in writing of the intention to remove the case to the circuit court, and shall within the same time make or cause to be made an affidavit, setting forth the substance of the testimony, and the proceedings in the county court, and the grounds upon which the allegation of error is founded: *Provided however*, That no certiorari shall be dismissed, nor shall the party who may have taken the same, lose the benefit thereof by reason of any omission or defect in said affidavit, if the said party, his agent or attorney, shall amend such affidavit and supply such defect at any time before the said certiorari shall be dismissed or granted. And said party shall have the right to amend such affidavit and supply such defects. And the court in which such certiorari may be pending shall have the right to compel a further return to such amended affidavit, if it shall deem the same necessary."

Provido.

Sec. 74 a-
mended.

Sec. 2. That section seventy-four of said act be and the same is hereby amended, so as to read as follows:

Circuit
court may
compel re-
turn.

"Sec. 74. The circuit court may compel such judge to make or amend such return, by rule, order or attachment, as the case may require, whether the judge of said county court before whom the cause was tried, remain in office or not."

Transfer of
cause to cir-
cuit court
authorized
and entry
thereof;
where made

Sec. 3. Either the plaintiff or defendant in any civil suit, or the prosecuting attorney or the defendant in any criminal cause, may, at his or either of their option, elect to have such cause transferred to the circuit court of the county for trial; and in case of electing to

have the same so transferred, an entry thereof shall be made in the journal or in the records of the county court: and the clerk thereof shall thereupon transfer and file all the papers in such cause in the circuit court for his county, and such circuit court shall thereupon be possessed of the cause, and shall have power to determine the same: *Provided*, That neither party lose any rights by such transfer which he would have had if the same had been tried in the county court; but all the subsequent proceedings shall be the same, as far practicable, as if said causes had been originally brought in the circuit court, so far, and so far only, as the same can be done without impairing the rights or the remedy which either party would have had if such cause had remained in the county court."

Provided.

Sec. 4. This act shall take effect immediately.

Approved April 7, 1851.

[No. 129.]

AN ACT to provide for the re-assessment of certain taxes of 1850, in the township of Montcalm in the county of Montcalm.

Section 1. *The People of the State of Michigan enact*, That the supervisors of the county of Montcalm be and they are hereby empowered to re-assess the taxes of the year eighteen hundred and fifty, upon the township of Montcalm in said county, in the manner and under the same limitations and restrictions as if the same had been returned to the office of the Auditor General and there rejected for informality: *Provided*, That the said re-assessment upon the township of Montcalm; shall conform as far as practicable with the assessment roll of eighteen hundred and fifty, made for the aforesaid township of Montcalm, and that it shall distinctly appear to the board of supervisors of the county of Montcalm that the taxes assessed upon the township of Montcalm aforesaid, for the year eighteen hundred and fifty, have not been collected and returned according to law.

Authority of supervisors to re-assess certain taxes.

Sec. 2. This act shall take effect immediately.

Approved April 7, 1851.

[No. 130.]

AN ACT to amend chapter 59 of revised statutes of 1846, entitled of the State Land Office and the officers connected therewith.

Section 1. *The People of the State of Michigan enact*, That section six of chapter fifty-nine, of revised statutes of eighteen hundred and forty-six, be so amended as to read as follows:

Samples. "Sec. 6. The said commissioner shall appoint a deputy, and may also appoint one clerk, if the business of his office shall require it; such deputy shall receive an annual salary of six hundred dollars, and such clerk shall receive an annual salary not exceeding five hundred dollars, payable quarter-yearly.

Sec. 2. This act shall take effect immediately.

Approved April 7, 1851.

[No. 131.]

AN ACT to amend section two of an act to amend an act to incorporate the Shelby and Detroit Rail Road Company, approved May 4th, 1846.

Sec. 2 of act No. 105 of 1846 amended. Section 1. *The People of the State of Michigan enact*, That section two of an "act to amend an act to incorporate the Shelby and Detroit Rail Road Company, approved May fourth, eighteen hundred and forty-six, be amended so that the said section, as amended, shall read as follows, to wit:

Route. "Said company shall have power to construct a rail road, with single or double track, from such point on the Detroit and Pontiac rail road, or from such point in or from the city of Detroit as the directors may deem for the interest of the company, through the villages of Utica and Romeo, in the county of Macomb, to the village of Port Huron, in the county of St. Clair, with power to transport, take and carry property and persons upon the same by the power and force of steam, of animals, or of any mechanical or other power, or any combination of them, and to enter into such contracts and agreements to lease or let their road, or to purchase iron, machinery, or other material for the construction of or the running of the same, with the Detroit and Pontiac Rail Road Company, or any other company, as they may think for their interest; and may make such alterations

Motive power.

LAWS OF MICHIGAN.

rations in the line of their road as a majority of the directors shall decide upon.

Sec. 2. And in case a connection is made with the Pontiac Rail Road Company, such connection shall be made between the city of Detroit and Royal Oak in the county of Oakland, Said road shall start from some point in or near the city of Detroit, or from some point between the city of Detroit and Royal Oak in the county of Oakland, and shall pass through the villages of Utica and Romeo in the county of Macomb, and terminate at Port Huron in the county of St. Clair.

Sec. 3. This act shall take effect upon the president and directors, by a vote of the directors, filing their assent thereto in the office of the Secretary of State.

Approved April 7, 1851.

[No. 132.]

AN ACT to authorize the Board of Supervisors of the Shiawassee to loan money.

Section 1. *The People of the State of Michigan enact,* That the board of supervisors of Shiawassee county are hereby authorized to loan any sum of money, not exceeding in all the sum of one thousand dollars, on the credit of the county, payable at such place, not less than five [nor] more than fifteen years, as they may deem expedient, and at a rate of interest not exceeding ten per centum per annum, to be applied toward finishing their court house, or the redemption of their outstanding county orders, or where the same may be outstanding on the first day of July next. And the said board of supervisors are hereby [authorized] and empowered to execute and give bond or bonds for any sum or sums so loaned by virtue of and under a resolution of said board of supervisors or a majority thereof. Said bonds so issued shall be signed by the chairman of said board, countersigned by the county clerk, and made payable to the order of and endorsed by said treasurer of said county. And whenever moneys may be paid out and expended, out of any moneys so loaned, towards the finishing their court house, shall be paid by the treasurer of said county upon the order of and by the authority of the board of supervisors.

the building committee now appointed, or hereafter to be appointed by said board of supervisors, under the authority of said board.

Adoption or rejection of act to be submitted to electors.

Sec. 2. This act shall be submitted to the electors of the county of Shiawassee, at the next general election in November next. And at said general election a ballot box shall be prepared and kept by the several boards of inspectors thereof, for receiving the votes cast for or against the adoption of this act; and on the ballots shall be written or printed, or partly written and partly printed, the words "A loan by the county—yes," or "A loan by the county—no." And if a majority of the votes cast upon the question have thereon "a loan by the county—yes," this act shall become a law, and not otherwise.

Approved April 7, 1851.

[No. 133.]

AN ACT authorizing certain improvements on the school section in the village of Lansing.

Board of auditors authorized to expend certain sum of money for improvements at Lansing.

Section 1. *The People of the State of Michigan enact*, That the Board of State Auditors be and are hereby authorized and required to expend a sum not exceeding three thousand dollars, in felling and clearing off the timber on the unsold State lots in the village of Lansing, and for such other improvements as the said board may deem proper and beneficial to the primary school fund, by promoting the sale of school lands in said village of Lansing.

Accounts; how audited & paid.

Sec. 2. All accounts for expenditures under this act shall be audited by the Board of State Auditors, and when audited and allowed, shall be paid from the State treasury on the warrant of the Auditor General, and charged to the primary school interest fund.

Approved April 7, 1851.

[No. 134.]

AN ACT to provide for supplying townships with certain books.

Section 1. *The People of the State of Michigan enact*, That the Superintendent of Public Instruction be and he is hereby authorized

to purchase, at a price not exceeding one dollar per copy, three copies of the book called Political Landmarks for each organized township in this State, to be forwarded as soon as practicable to the township clerk, for the use of the school libraries in said township.

Sup't Public Instruction authorized to purchase certain books.

Sec. 2. Upon making such purchase, said Superintendent shall make and deliver to the seller of said books his certificate in writing, stating the number of books purchased, and the price to be paid for the same; and the Auditor General of the State, on presentation to him of said certificate, shall thereupon draw his warrant upon the State Treasurer for the amount named in said certificate, and said treasurer is directed to pay the amount of said warrant to the holder thereof, out of any moneys in the treasury not otherwise appropriated.

Compensation of seller.

Approved April 7, 1851.

[No. 135.]

AN ACT to repeal chapter thirty-six of title eight of the revised statutes of eighteen hundred and forty-six, relative to medical societies.

Section 1. *The People of the State of Michigan enact*, That chapter thirty-six of title eight of the revised statutes of eighteen hundred and forty-six, be and the same is hereby repealed.

Approved April 7, 1851.

[No. 136.]

AN ACT to amend section ten of chapter one hundred and fifty-five of title thirty of the revised statutes of eighteen hundred and forty-six, relative to crimes and the punishment thereof.

Section 1. *The People of the State of Michigan enact*, That section ten of chapter one hundred and fifty-five of title thirty of the revised statutes of eighteen hundred and forty-six be amended by adding to said section the following words, to wit: "and the lawful existence of any bank out of this State shall be presumed upon evidence that such bank is actually engaged in the transaction of business as a bank," so that said section, as amended, shall read as follows:

Sec. 10 of chap. 155 of R. S. amended.

“Sec. 10. In all prosecutions for forging or counterfeiting any notes or bills of the banks before mentioned, or for altering, publishing or tendering in payment as true, any forged or counterfeit bank bills or notes, or for being possessed thereof, with intent to alter and pass the same as true, the testimony of the president and cashier of such bank may be dispensed with, if their place of residence shall be out of this State, or more than forty miles from the place of trial; and the testimony of any person acquainted with the signature of the president or cashier of such banks, or who has knowledge of the difference in appearance of the true and counterfeit bills or notes thereof, may be admitted to prove that any such bills or notes are counterfeit; and the lawful existence of any bank out of this State shall be presumed upon evidence that such bank is actually engaged in the business of a bank.”

When testimony of president & cashier may be dispensed with.

Approved April 7, 1851.

[No. 137.]

AN ACT to amend section four of an act entitled an act to incorporate the Port Huron and Lake Michigan Railroad Company, approved January 30th, 1847.

Sec. 4 of act No. 5 of 1847 amended.

Section 1. *The People of the State of Michigan enact*, That section four of an act entitled an act to incorporate the Port Huron and Lake Michigan railroad company, approved January 30th, 1847, be amended by striking out the words “five” and “fifteen,” in said section, and inserting “ten” and “twenty,” so that section, as amended, shall read as follows, to wit:

“Sec. 4. If said corporation shall not, within ten years after the passage of this act, commencing the construction of the said road, and shall not, within twenty years from the passage of this act, construct, finish and put in operation the whole of said railroad, then the rights, privileges and powers of said corporation shall be null and void, as far as it regards such part of said railroad as shall not be finished within the period limited by this act.”

Approved April 7, 1851.

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[No. 138.]

AN ACT to amend Chapter twelve of Revised Statutes, chapter twelve, title three of re-vised Statutes, hundred and forty-six.

Section 1. *The people of the State of Michigan* tion twenty-seven, chapter twelve, title three of re-vised Statutes, hundred and forty-six, be so amended as follows:

“The Auditor General may also employ so many clerks as may be necessary, not exceeding two, at an annual salary of one hundred dollars, payable quarter yearly, and so many clerks as may from time to time be necessary, at a salary of four hundred and seventy-five dollars a year, payable otherwise, as the Auditor General may think proper.

Sec. 2. This act shall take effect immediately.

Approved April 7, 1851.

[No. 139.]

AN ACT to amend the charter of the Plymouth Plank Road Company.

Section 1. *The People of the State of Michigan* said company may lay out, construct, extend and maintain a plank road from the western terminus of their route, at Plymouth, as now surveyed and located, on the route in said township, through or near the villages of Northville, and thence northerly or northwesterly to some point on the Grand river road in the township of Noville of Oakland; and may also lay out, construct and maintain of their road from some eligible point of their main route of Plymouth, to some convenient point in or near Plymouth Corners.

Sec. 2. This act shall take effect whenever the directors of the company shall file their acceptance of the same in writing with their president and secretary, in the office of the Secretary of State. *Provided*, Such acceptance shall be so made and filed within six months from the passage of this act.

Approved April 7, 1851.

[No. 140.]

AN ACT to amend section one hundred and seven of chapter fifty-eight of the revised statutes of eighteen hundred and forty-six, and the acts amendatory thereto, relative to primary schools.

Sec. 107 of
chap. 58 of
R. S. of 1846
amended.

Section 1. *The People of the State of Michigan enact*, That section one hundred and seven of chapter fifty-eight of the revised statutes of eighteen hundred and forty-six, be stricken out, and the following section be substituted in place thereof:

Assessment
and collection
of town-
ship, school
and library
tax.

"Sec. 107. The supervisors shall also assess upon the taxable property of his township, two mills upon each dollar of the valuation thereof, in each year, and twenty-five dollars of the same shall be applied for the purchase of the books for the township library, and the remainder thereof shall be apportioned to the several districts in the township, for the support of schools therein; and the same shall be collected and returned in the same manner as provided in section one hundred and six of chapter fifty-eight of the revised statutes of eighteen hundred and forty-six; and all school taxes returned for non-payment, shall be collected in the same manner as State and county taxes."

Approved April 7, 1851.

[No. 141.]

AN ACT to organize the county of Grand Traverse.

Co. of Grand
Traverse or-
ganized.

Section 1. *The People of the State of Michigan enact*, That all that portion of territory in the county of Omeena, included within the boundaries hereinafter described, be and is hereby set off and organized into a separate county by the name of Grand Traverse, to wit: beginning at a point on the east side of the east arm of Grand Traverse Bay, where the township line between townships twenty-seven and twenty-eight north, strikes said bay; thence running east to the range line between ranges eight and nine; thence south to the township line between townships twenty-four and twenty-five north; thence west to the range line between ranges twelve and thirteen west; thence north to the township line between townships twenty-seven and twenty-eight north; thence east to the west arm of Grand Traverse Bay; thence following the shore of said bay to the place

Boundaries.

LAWS OF MICHIGAN.

of beginning; and the seat of said county shall be at Boardman's Mills, on the east fraction of section north, township twenty-seven north, of range eleven west, as provided.

Sec. 2. There shall be elected in the said county commissioners, on the first Monday in August, eighteen hundred and one, the several county officers provided by law for organized counties of this State, who shall hold their offices until the next general election to be held in the year eighteen hundred and two, and until their successors are elected and qualified.

Sec. 3. The election to be held in pursuance of the provisions of this act, shall in all respects be conducted and held in the same manner as prescribed by law for holding elections for county and State officers.

Approved April 7, 1851.

[No. 142.]

AN ACT to amend sections forty-four, forty-six and forty-seven of chapter twelve of the revised statutes of 1846, relating to the Board of State Auditors.

Section 1. *The People of the State of Michigan enact* that sections forty-four, forty-six and forty-seven of chapter twelve of the revised statutes of 1846, be and the same are hereby amended so as to read as follows:

"Sec. 44. The Secretary of State, State Treasurer and Comptroller of the State Land Office shall constitute a board of auditors, and as such they shall have power and it shall be their duty to audit annually, and at any other time in their discretion, the accounts of every full settlement and final adjustment with every officer or agent of the State, of all debits, credits, claims and demands of every description, between such officer or agent and this State; and it shall also be their duty to examine, adjust and settle all other accounts and demands against this State which may be presented by any person or persons, the settlement of which is not otherwise provided by law; but such board shall not allow any claim against the State unless the same shall be established by competent testimony; and said board shall keep a record of

ings, which shall contain each claim presented and its items, an abstract of the evidence taken, the amount adjusted and settled in favor of the person or persons presenting the claims, or in favor of the State; and any member of said board shall have power to administer oaths to any person or persons presenting claims or to witnesses; to examine the person or persons under oath, to issue subpoenas to any part of the State against witnesses; and if any witness or witnesses fail to appear in pursuance thereof, and the fees provided herein shall have been paid or tendered, to issue attachments to compel their attendance; to set off any legal or equitable claim against such person or persons in favor of the State, upon proof of the same, and to adjourn from time to time: *Provided however*, That every witness shall be entitled to one dollar a day while in attendance before the board, and six cents a mile in coming to the place of attendance, to be paid by the party who procures said witnesses: *And provided further*, That in all settlements with the State Treasurer, the Auditor General shall be a member of said board for that purpose, to the exclusion of the Treasurer."

Provided.

Provided.

Settlement
with State
Officers.

"Sec. 46. As soon as practicable after the expiration of the official term or resignation of any such receiving or disbursing officer or agent, the Secretary of State shall give notice to the board of State auditors and to such officer or agent to meet at the office of the State Treasurer for the purpose of making a full and final settlement of the accounts of such officer or agent; and the said board shall proceed thereon in the same manner as is provided in relation to the annual settlement of said account."

When party
entitled to
warrant.

"Sec. 47. If, upon the allowance of any claim, or upon a balance being struck on any settlement made in pursuance of this chapter, it shall appear that the State is indebted to the party with whom such settlement is made, or to whom such claim shall be allowed, he shall be entitled to a warrant drawn by the Auditor General upon the State Treasurer therefor forthwith; but if it shall appear that such party is indebted to the State, said board shall demand immediate payment of the amount due; and if for any cause such payment is not immediately made, the fact shall be entered upon the books of the treasury, and the Treasurer shall give notice thereof to the Auditor General, and the Auditor General shall not thereafter draw any

Proceeding
when party
is indebted
to State.

warrant in favor of such person upon the Treasurer until such payment be made; and the Attorney General shall proceed forthwith to collect the same, if, in the opinion of the board, the interests of the State require it."

Sec. 2. This act shall take effect immediately.

Approved April 7, 1851.

[No. 148.]

AN ACT to provide for the completion of the canal and locks around the rapids of Grand River at Grand Rapids.

Section 1. *The People of the State of Michigan enact*, That the Governor of this State is hereby authorized and required to appoint a commissioner to superintend, direct and control the completion of the canal and locks now in process of construction around the rapids of Grand River, at Grand Rapids; said commissioner shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office, and shall execute a bond with sufficient securities, to be approved by the Governor, in the penal sum of five thousand dollars, and conditioned for the faithful performance of his duty.

Governor to appoint commissioner.

Oath and bond of commissioner required.

Sec. 2. It shall be the duty of said commissioner forthwith to proceed to let a contract for the completion of said canal and locks, with as little deviation as possible from the mode of building, size and dimensions, and depth of water hitherto established by law for said canal and locks, and within such a period of time as he shall judge necessary; and for the removal of the dam appurtenant thereto, as hereinafter provided; and for that purpose he shall advertise for proposals for said completion; said advertisement to be published for three successive weeks in a newspaper published in the county of Kent, prior to the time of letting: *Provided*, That in said letting the price agreed to be paid shall be such that the whole cost of said canal and locks and appurtenances, when completed, shall not exceed the twenty-five thousand acres of land originally appropriated for the same.

Duty of commissioner.

Sec. 3. The said commissioner shall, at the time appointed in the said advertisement, let the said contract to the lowest bidder: *Provided*, It be in the opinion of said commissioner for the best interest of

Contracts: how let.

the public so to do: *And provided*, such bidder shall execute to said commissioner and his successors in office, a good and sufficient bond in a penal sum to be fixed, and with securities to be approved by him, conditioned for the completion, according to said contract, of the said canal, locks and appurtenances, within the time limited in the said contract.

Comm'n'r
may employ
engineer.

Sec. 4. The said commissioner is hereby authorized, if he deem it advisable, to employ an experienced engineer to aid the said commissioner in determining the mode of said completion and all the terms of the contract for said completion, to be let as hereinbefore provided, and to further aid the said commissioner in the superintendence of said completion as it progresses.

Re con-
struction of
dam autho-
rized.

Sec. 5. The commissioner shall cause the dam hitherto constructed in connection with said canal to be taken down and reconstructed so as to run at a right angle with the Grand river from the pier by the guard gate of said canal, and to abut upon the west bank of said river at a point opposite the said pier, with such alterations in the length thereof and in the mode of building said dam, and the sluice and apron attached thereto as he may deem proper: *Provided*, That said commissioner shall not take down or reconstruct said dam until after all the things have been done hereinafter provided to be done and set forth in sections six, seven and eight of this act.

Compensa-
tion for
damages;
how ascer-
tained.

Sec. 6. The commissioner shall, immediately after the letting of the contract, and which said contract shall be made conditional upon the procurement by said commissioner of the perfect right of way for the canal itself, the right of flowage of lands above said dam as reconstructed, and the right of abuttal of said dam, cause the compensation of the several proprietors of lands lying on the west bank of Grand river, above said dam for injury done thereto by flowage, including compensation for all infringements upon the water rights and hydraulic power of the said several proprietors in proportion to their several interests in said lands, in consequence of the reconstruction of said dam as hereinbefore provided to be ascertained, either by a jury of twelve freeholders residing in the vicinity of said lands, or by not less than three commissioners appointed by a court of record according to the provisions of law which shall be in force at the time such ascertainment shall be had.

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Sec. 7. The proprietors of the lands lying below said dam, on the west bank of Grand River, upon which hydraulic privileges are created in consequence of the reconstruction of said dam as hereinbefore provided, shall pay the amount of compensation to be made to the proprietors of the lands lying above said dam as ascertained in the manner prescribed by law; said proprietors of lands lying below the dam contributing to the total sum of ascertained compensation to be made as aforesaid, in proportion to the amount of hydraulic privilege created by said dam for each of them respectively.

Sec. 8. If within one year from the passage of this act, the compensation to be made to the proprietors of the lands above the dam, as ascertained as hereinbefore provided, shall not have been paid over by the proprietors of the lands below the dam, to the said commissioner for the use of the proprietors first aforesaid, and their grants of the right of flowage fully perfected and delivered to said commissioner and approved by the prosecuting attorney of the county of Kent, or if at the expiration of the said year, the contract for the completion of said canal and locks and the removal of said dam shall remain unlet, then it shall be the duty of the commissioner to cause the dam now appurtenant to said canal to be taken down and the obstructions by said dam interposed to the navigation of Grand River to be removed; to make sale of the materials of said dam, and to render an account of the expenses of such removal to the Governor of the State, and the excess of such expenses over the receipts from sales of the materials of said dam, (if any,) shall be paid out of the unexpended balance of the original appropriation for the construction of said canal and locks.

Sec. 9. The said canal, locks and appurtenances shall be completed in the manner hereinbefore provided, before the first day of January, in the year 1853.

Sec. 10. Until said canal and locks shall be completed to the satisfaction of the board of supervisors of the county of Kent, and until the same shall have been accepted by the commissioner in discharge of the contract for said completion, let in pursuance of this act, the whole of the unexpended balance of the 25,000 acres of land originally appropriated for the construction of said canal and locks shall

be withheld from sale or any other disposition thereof, and remain in the State land office.

Evidence of completion. Sec. 11. The order of the commissioner appointed as hereinbefore provided to superintend the completion of said canal and locks in favor of the contractor or contractors, countersigned by the chairman of the board of supervisors of the county of Kent, for the payment of the sum contracted by said commissioner to be paid for said completion, shall be evidence to the commissioner of the State land office of the completion of said canal, locks and appurtenances; and he shall thereupon pay to such contractor or contractors the amount in land called for by said order: *Provided*, That it shall not exceed the unexpended balance of the original appropriation of 25,000 acres: *And provided further*, That before such payment be made the certificate of the Attorney General of this State that all the necessary grants of the right of abuttal of the said dam and of the maintenance thereof, and of the right of flowage occasioned thereby, and also the right of way for the said canal, have been procured and have been by him examined and approved, shall be delivered to said commissioner of the land office; and such grants, duly recorded in the office of the register of deeds in the county of Kent, shall be delivered to said commissioner for preservation.

Compensation of commissioner. Sec. 12. The compensation of the commissioner appointed by the Governor under this act, and of the engineer who may be appointed by such commissioner, shall be five dollars per day for each, during all the time actually and necessarily employed in the discharge of their respective duties under this act; the amount for such compensation to be audited by the board of supervisors of the county of Kent; and to be paid by the counties of Kent and Ionia in equal proportions.

Governor may revoke appointment. Sec. 13. The Governor of this State is hereby authorized and empowered to revoke any appointment he may make under this act, to the office of commissioner, and to fill any vacancy that may occur from any cause in said office.

Repeal. Sec. 14. All acts and parts of acts inconsistent with the provisions of this act, is hereby repealed.

Sec. 15. All books, papers, contracts, bonds, plans, specifications and drafts, and all other writings of any kind appertaining to the for-

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said proceedings had for the construction of said act shall be delivered to said commissioner, upon his demand, to the person who may have possession or charge thereof.

Sec. 16. No expenses authorized to be incurred by this act, shall ever be chargeable upon the treasury.

Sec. 17. This act shall take effect immediately.

Approved April 7, 1884.

[No. 244.]

AN ACT to authorize the formation of corporation for smelting or manufacturing iron, copper or silver.

Section 1. *The People of the State of Michigan* enact, That three or more persons who may desire to form a corporation for the purpose of engaging in any kind of mining, smelting or manufacturing iron, copper or silver ores, may make, sign and acknowledge before some person authorized to take acknowledgments, and file in the office of the county clerk of the county in which the business of the company shall be transacted, and a duplicate thereof in the office of the Secretary of State, a certificate in writing, in which shall be stated the corporate name of said company, the objects for which the company shall be formed, the capital stock of said company, the term of its existence, which shall not exceed thirty years, the number of shares of which the stock shall consist, the number of directors and their names, who shall manage the concerns of said company for the first year; the county in which the business of the said company shall be carried on, and the location of the business office of said company, which shall be within this State.

Sec. 2. When the certificate and duplicate shall have been filed as aforesaid, the persons who shall have signed and acknowledged the same, and their successors, shall be a body politic and corporate, in fact and in name, by the name stated in such certificate, and shall have succession, and shall be capable of suing and being sued in any court in this State, and may have a common seal.

May hold
real estate,
&c.

and alter the same at pleasure; and they shall by their corporate name be capable in law of purchasing, holding and conveying any real and personal estate whatever, which may be necessary to enable said company to carry on the business named in such certificate; but shall not mortgage the same or give any lien thereon. It may and shall be lawful for the individuals associated for the purpose of organizing any company under this act, after having filed a certificate of incorporation, as required in the preceding section, to open books for subscription to the capital stock of the company so organized, and to keep the same open until the full amount specified in such certificate is subscribed. (The copy of any certificate of corporation filed in pursuance of this act, certified by the county clerk or Secretary of State to be a true copy of the whole of such certificate, shall be received in all courts and places as presumptive legal evidence of the facts therein stated.)

Business of
corporation:
by whom
managed.

Sec. 3. The stock, property and business of such corporation shall be managed by not less than three nor more than nine directors, who shall each be stockholders in such corporation, and citizens of the United States, and a majority of them shall be citizens of this State, who shall, except for the first year, be annually elected by the stockholders at the business office of said corporation, at such time as the by-laws of said corporation shall provide; and public notice of the time and place of holding such election shall be published not less than thirty days previous thereto, in some newspaper printed in the city of Detroit; and the election shall be made by the stockholders that shall attend such meeting, either in person or by proxy. All elections shall be by ballot, and each stockholder shall be entitled to as many votes as he holds shares of stock in such corporation; and the persons receiving the greatest number of votes shall be directors; and when any vacancy shall happen among the directors, it shall be filled in such manner as the by-laws of such corporation may provide.

Elections.

181d.

Sec. 4. In case it shall happen that an election of directors shall not be made on the day designated by the by-laws of any such corporation for the election, the corporation for that reason shall not be dissolved; but it shall be lawful to hold an election on any other day, in such manner as shall be provided for by the said by-laws, and all acts of directors shall be valid and binding against any such corporation until their successors shall be elected.

Sec. 6. There shall be a president of the corporation, who shall be designated from the number of directors, and also a secretary and such other subordinate officers as the company by its by-laws may designate, who may be elected or appointed, and required to give such security for the faithful performance of their duties as the corporation by its by-laws may require.

Sec. 7. It shall be lawful for the directors to call in and demand from stockholders respectively, all such sums of money by them subscribed, at such time, and in such payments or instalments as the directors shall deem proper, under the penalty of forfeiting the shares of stock subscribed for; and all previous payments made thereon, if payment shall not be made by the stockholders within sixty days after a personal notice, or notice requiring such payment shall have been published for six successive weeks in a newspaper published in the city of Detroit.

Sec. 8. The directors shall have power to make such prudential by-laws as they may deem proper for the subscription to, management and disposition of the stock, and such as are necessary for transacting the business of such company, as stated in the certificate of incorporation, not inconsistent with the laws of this State; also for prescribing the duties of all officers or persons in the employ of said company, and for the appointment of all such officers.

Sec. 9. All stockholders of every company incorporated under this act, shall be individually liable to the creditors of the company in which they are stockholders, to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by such company while they were stockholders, until the whole amount of capital stock fixed and limited by the certificates of incorporation of such company shall have been paid in, and a certificate thereof shall have been made and recorded as prescribed in the following section; and at least five per cent of the capital stock so fixed, shall be paid in before filing the certificate of incorporation of such company, and at least five per cent within one year from the time of filing said certificate; and at least ten per cent annually within each year thereafter, so long as the requirements of such corporation shall render it necessary, or until the whole amount of capital so fixed shall be paid in, or such corporation shall be dissolved.

Certificate
of amount
of stock;
where to be
recorded.

Sec. 9. The president and a majority of the directors of every such corporation, within thirty days after the payment of the last installment of the capital stock as fixed and limited by the certificate of incorporation, shall make a certificate stating the amount of capital stock so fixed and paid in, which certificate shall be signed and sworn to, by the president and a majority of the directors, and they shall, within the said thirty days, cause the same to be recorded in the office of the county clerk, in a book to be provided for the record of all matter in relation to corporations required to be recorded, in the county in which the business of such corporation is carried on.

Stock to be
deemed per-
sonal estate
and how
transferable

Sec. 10. The stock of any such corporation shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the company; but no transfer shall be valid except between the parties thereto, until the same shall have been entered upon the books of the corporation, as to show the names of the parties by and to whom transferred, the number and designation of the shares, and the date of the transfer; and no shares shall be transferrable until all previous calls or assessments thereon shall have been fully paid in or shall have been declared forfeited for the non-payment of calls thereon. It shall not be lawful for any such corporation to use any of their funds in the purchase of, or in any manner to purchase stock in any other corporation.

Corporation
to make an-
nual report.

Sec. 11. Every such corporation shall annually, within ten days from the first day of January, make a report which shall state the amount of capital and the amount actually paid in, the investment of any portion of the earnings of such company in its business, the whole amount of money which at any time has at any time been borrowed, and then remaining unpaid, and the amount of its existing debts, exclusive of borrowed money, whether acknowledged or contested, designating each, and specifying the name and amount due each creditor; also stating the number of, acres and legal subdivisions of, all lands owned, and of, all lands in possession of any such company, and the location of the business office of such company, if any change has been made; which report shall be signed by the president and a majority of the directors, and shall be verified by the oath of the president or secretary of such corporation, and filed in the office of the clerk of the county in [which] the business of any

Specifica-
tions.

Report;
where filed.

such company is carried on, and a duplicate thereof in the office of the Secretary of State; and if any such company shall fail so to do, all the directors thereof shall be jointly and severally liable for all the debts of the company then existing, and that shall be contracted before such report shall be made.

Sec. 12. All corporations formed under the provisions of this act, shall pay to the Treasurer of the State of Michigan an annual tax of one per centum on the whole amount of capital actually paid in, and any investment of the earnings of any such company in their business shall be considered as so much capital paid in; also upon all sums of money at any time borrowed by any such company and then remaining unpaid, in whole or in part; which tax shall be paid on the first Monday of February in each year; and shall be estimated upon the report of such company for that year made as required by section eleven of this act, and such tax shall be in lieu of all State taxes, upon the real and personal estate of such company. Annual tax.

Sec. 13. If the directors of any such company shall declare or pay any dividend when the company is insolvent, or on any dividend the payment of which would render it insolvent, or which would diminish the amount of its capital stock, they and all the stockholders who shall accept or receive such dividend, shall be jointly and severally liable for all the debts of said company then existing, and for all that shall be thereafter contracted while they respectively continue stockholders or in office. If any certificate or report made on public notice given by the officers of any such corporation, in pursuance of the provisions of this act, shall be false in any material representation, all the officers who shall have signed the same, and the president and directors shall be jointly and severally liable for all the debts of the company then existing, or which shall be contracted while they are stockholders and officers thereof: *Provided*, That if any of the directors shall object to the declaring of any dividend, or to the payment of the same, and shall at any time before the time fixed for the payment thereof, file a certificate of their objection with the secretary of the company, and in the office of the clerk of the county in which the business of said corporation is carried on, they shall be exempt from said liability; and any officer or director who shall, within ten days of the making of any certificate or report, or the giving Liability of stockholders in certain cases.

Provide.

of any public notice, make a counter certificate or report, or give a counter public notice; shall be exempt from any such liability.

What persons holding stock not personally liable.

Sec. 14. No person holding stock in any such corporation, as executor, administrator, guardian or trustee; (unless they receive a dividend as provided in the preceding section, in which case they shall be liable,) and no person holding such stock as collateral security, shall be personally subject to any such liability as stockholders of such company; but the person pledging the stock shall be considered as holding the same, and shall be liable as a stockholder accordingly, and the estates and funds in the hands of such executor, administrator, guardian or trustee, except as hereinbefore provided, shall be liable in like manner and to the same extent as the testator or intestate, or the ward or person interested in such trust fund would have been if living and competent to act and held the stock in his own name. Every such executor, administrator, guardian or trustee shall represent the share of stock in his hands, at all meetings of the company, and may vote accordingly as a stockholder; and every person who shall pledge his stock as aforesaid may nevertheless represent the same at all meetings, and may vote accordingly as a stockholder.

Shares of stock; how represented.

Co. may increase or diminish capital stock.

Sec. 15. Any company which may be formed under this act, may increase or diminish its capital stock by complying with the provisions of this act, to any amount which may be deemed sufficient and proper for the purposes of the corporation. But before any corporation shall be entitled to diminish the amount of its capital stock, if the amount of its debts and liabilities shall exceed the amount of capital to which it is proposed to be reduced, such amount of debts and liabilities shall be satisfied and reduced so as not to exceed such diminished amount of capital.

Directors to give notice to stockholders specifying object, &c.

Sec. 16. Whenever any company shall desire to call a meeting of stockholders, for increasing or diminishing the amount of its capital stock, or for extending or changing its business, it shall be the duty of the directors to publish a notice, signed by at least a majority of them, in a newspaper published in the city of Detroit, at least three successive weeks, and to deposit a written or printed copy thereof in the post office, addressed to each stockholder at his usual place of residence, at least three weeks previous to the day fixed upon for

holding such meeting, specifying the object of the meeting, the time and place (which shall be at the business office of such company) when and where such meeting shall be held, and the amount to which it shall be proposed to increase or diminish the capital, and the business to which the company would be extended or changed; and a vote of at least two-thirds of all the shares of stock shall be necessary to an increase or diminution of the amount of its capital stock.

Sec. 17. If at any [the] time and place specified in the notice provided for in the preceding section of this act, stockholders shall appear in person or by proxy, in number representing not less than two-thirds of all the shares of stock of the corporation, they shall organize by choosing one of the directors chairman of the meeting, and also a suitable person for secretary, and proceed to a vote of those present in person or by proxy; and if, on canvassing the votes, it shall appear that a sufficient number of votes have been given in favor of increasing or diminishing the amount of capital, or of extending or changing its business as aforesaid, a certificate of the proceedings showing a compliance with the provisions of this act, the amount of capital actually paid in, the business to which it is extended or changed, the whole amount of debts and liabilities of the company, and the amount to which the capital stock shall be increased or diminished, shall be made out, signed and verified by the affidavit of the chairman of such meeting and the president of such company, and be countersigned by the secretary of such meeting and the secretary of the company, and such certificate shall be acknowledged by the chairman and president, and filed as required by the first section of this act, and when so filed the capital stock of such corporation shall be increased or diminished to the amount specified in such certificate, and the business extended or changed as aforesaid, and the company shall be entitled to the privileges and provisions and be subject to the liabilities of this act, as the case may be.

Stockholders may appear in person or by proxy.

Sec. 18. It shall be the duty of the directors of every such corporation, to cause a book to be kept at the business office of such company, by the treasurer or secretary thereof, and also by the agent of such company, residing in the city of Detroit, at his known place of residence or business office, or at the office of the clerk of the

Duty of directors in reference to names of stockholders, transfer of stock, &c.

Corporation
not to loan
money to
any stock-
holder.

by any such corporation to any stockholder therein; and if any such loan shall be made to a stockholder such stockholder and the officers of such company shall be jointly and severally liable for all the debts of the company contracted before the repayment of the sum so loaned. Any officer of any such corporation who shall loan, or any stockholder who shall borrow any money as above provided, or any officer of any such company who shall create any indebtedness against such company, not authorized by the by-laws, shall be deemed guilty of a misdemeanor.

Subject to
amendment
or repeal.

Sec. 24. The legislature may at any time alter, amend or repeal this act, but such alteration or amendment shall not operate as an alteration or amendment of the corporate rights of companies formed under it unless expressly named in the act so altering or amending this act; and the legislature may annul or repeal any corporation formed or created under this act; but such alteration, amendment, annulling or repeal shall not, nor shall the dissolution of any such company take away or impair any remedy given for or against any such corporation, its stockholders or officers for any liability which shall have been previously incurred.

Wh'n stock-
holders not
personally
liable.

Sec. 25. No stockholder shall be personally liable for any debt contracted by any company under this act, except for all labor performed for such corporation, unless a suit for the collection of such debt shall be brought against such company within one year after such debt shall become due; and no suit shall be brought against any stockholder in any such company until an execution against such company shall have been returned unsatisfied in whole or in part; and such stockholders shall be severally and individually liable for all costs on any judgment rendered against such corporation.

Rights of
stockhold-
ers in cer-
tain cases.

Sec. 26. Any stockholder who may have paid any debt of such company, either voluntarily or by compulsion, shall have a right to sue and recover of such company the full amount thereof, with interest, and all costs and expenses. And any such stockholder who may have paid as aforesaid, shall have a right to bring an action against and recover of the rest of the stockholders, or any one or more of them, the due proportion thereof which such stockholder or stockholders ought to pay; and if such action for contribution shall

be brought against more than one stockholder, the judgment and the execution thereon shall specify the amount to be recovered and collected from each defendant.

Sec. 27. This act shall take effect immediately.

Approved April 8, 1851.

[No. 145.]

AN ACT to amend sections one, three, four, six, thirteen, seventeen and nineteen of an act entitled an act to incorporate the St. Mary's Canal Company, approved March 17, 1847.

Section 1. *The People of the State of Michigan enact*, That section one of an act entitled act to incorporate the St. Mary's canal company, approved March 17, 1847, be and the same is hereby amended by striking out from the ninth and tenth lines the words "for the period of fifty years," so that said section shall read as follows:

"Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That such persons as may hereafter become stockholders therein, shall be and they are hereby declared to be a body corporate and politic, under the name and style of the St. Mary's canal company, for the purpose of opening and constructing a canal navigation, with suitable locks and basins, around the Falls [of] St. Mary's at the outlet of Lake Superior, within the State of Michigan, and they, with their associates and successors, shall so continue to have succession from and after the passage of this act, and by that name are hereby capable in law as natural persons, to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, and in all courts of law and equity in this State and elsewhere; to make, have and use a common seal, and the same to alter or amend at pleasure. They shall also have power to purchase and hold as much real estate as may be necessary for the site of said canal, roads, buildings, docks, basins, and the proper application of the water power that may arise from the proper construction of said canal; and also to borrow money to any amount not exceeding the capital stock hereinafter mentioned, for the purposes of constructing the canal, locks and basin aforesaid; also,

Sec. 1 amended.

Incorporation.

May purchase real estate.

Borrow money.

the power to ordain and establish such by-laws, ordinances and regulations as shall be necessary for the well-being and government of the concerns of said corporation, not contrary to the laws of this State or of the United States: *Provided*, That nothing in this act contained shall extend or be construed to authorize the said company to carry on the business of banking, brokerage, or any other business whatever, except such as properly belong to opening, constructing and maintaining the canal, locks and basins aforesaid."

Sec. 3 amended.

Sec. 2. That said act be amended by striking out section three and inserting in lieu thereof the following:

Capital.

"Sec. 3. That the capital stock of said company shall consist of five hundred thousand dollars, with the privilege of increasing the same to seven hundred and fifty thousand dollars, divided into shares of one hundred dollars each; and upon all subscriptions to the stock of said company, there shall be paid, or secured to the satisfaction of the commissioners receiving the same, payable in thirty, sixty and ninety days, one-third each from the day of organizing said company, by the election of directors and president, the sum of ten per centum upon the amount of each subscription to said stock."

Sec. 4 amended.

Sec. 3. That section four of said act be amended by striking out all after the word "days," in seventh line, and inserting "unless the capital stock be sooner subscribed;" so that said section shall read as follows:

Commissioners.

"Sec. 4. That three persons, to be named by the Governor of this State, shall be constituted commissioners, who, or a majority of them, shall cause a public advertisement to be made of the time and places of opening books for the subscription of the stock of said company; and books of subscription shall be kept open under the direction of the persons aforesaid, or a majority of them, not less than thirty days, unless the capital stock be sooner subscribed."

Subscription to capital stock.

Sec. 5 amended.

Sec. 4. That section six of said act be amended by striking out from the second and third lines the words "one thousand eight hundred and forty-eight," and inserting the words "next succeeding their election;" so that said section shall read as follows:

Officers.

"Sec. 6. That the president and directors first chosen shall hold their offices until the first Monday of July next succeeding their election, or until others are chosen in their places. On the first Monday

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of July in each year, the stockholders of said company shall meet at their office or some place to be designated by the directors in the city of Detroit, and then proceed to elect four directors, who shall be stockholders in said company, resident citizens of the United States, and who shall hold office for one year, and until others shall be elected in their stead. Notice of such meetings and elections to be given by the secretary of the company in some public newspaper, previous to such meeting or election. At the annual meeting of the affairs of the company shall be made to the meeting by the president and directors, and the profits declared as they may deem advisable, in accordance with the provisions hereinafter mentioned."

Sec. 5. That the act to which this is amendatory, inserting the following as a new section, to come in between sections six and seven:

"That for the purpose of aiding in the construction of the said company shall have power and are hereby authorized to issue their corporate bonds or obligations to an amount not exceeding their capital stock, and in sums not less than five hundred dollars, payable at such times and places, and bearing such interest as the company may deem for their best interest; and the disposition of said bonds or obligations, if the said company shall sell or dispose of the same at a discount, said sale or disposition nevertheless be to all intents and purposes, good and valid."

Sec. 6. That section thirteen of said act be amended by striking out after the word "years," in the second line, the words "the first Monday of July, eighteen hundred and fifty-one;" and striking out after the word "the," in the third line, the words "the passage of this act," and insert the words "the first Monday of July, eighteen hundred and fifty-one;" so that said section shall read as follows:

"Sec. 13. That the said canal shall be commenced within one year, from the first Monday of July, eighteen hundred and fifty-one, and be completed and in readiness for operation within two years from the first Monday of July, eighteen hundred and fifty-one; and if not so completed, said corporation shall be dissolved, and the same shall thereupon cease to exist, and shall be of no force or effect."

Sec. 17 amended.

Sec. 7. That said act be amended by striking out the entire of section seventeen, and inserting the following in lieu thereof:

Lands donated.

"Sec. 17. That to facilitate the construction of said canal, the State hereby donates the avails to be realized by the sale of the "swamp and overflowed lands," lying within the boundaries of the upper peninsula, which are to be derived under the act of Congress, entitled an act "to enable the State of Arkansas and other States, to reclaim the swamp lands within their limits, approved September 28, 1850;" and to that end the same shall be by the Governor transferred to this company, with such regulations as he may adopt; but not until said company shall execute and deliver to the Governor a good and ample bond, in such sum as he may require, conditioned that said company will faithfully and honestly apply said donation towards the construction of said canal, and that they will also fulfill all requirements which may be imposed upon them. And further, that should Congress make donations to this State, to aid in the construction of said canal, then, and in that case, the same shall be transferred to this company, with such regulations and instructions as he may adopt, after receiving from said company a like bond as in the case of the donation made directly by the State, and that they will also fulfill all the requirements which Congress may impose upon the State by the act or law making such donation, and that they will save the State from all liability or blame thereby; and said bond or bonds shall be deposited in the office of the Secretary of State; and if the said company fail to comply with the provisions thereof, the same may be sued, and the conditions and penalties thereof against the company enforced in the name of the Governor, for the use of the people of the State of Michigan, and should final judgment be rendered against said company, the Governor is empowered either to enforce the collection thereof by execution, or by taking possession of said canal and fixtures, and retaining the same for the use of the State until such judgment shall be fully paid and settled, and the conditions of said bond or bonds complied with; and for the taking possession of said canal and fixtures, should the same become necessary, the Governor is authorized to appoint a suitable agent or agents."

Bond to the Governor.

Sec. 10 amended.

Sec. 8. That section nineteen of said act be amended by striking out after the word "tax," in the third line, to and including the word

"works," in the fourth line, and inserting the words "of two per cent upon the dividends or net earnings of said company;" so that said section shall read as follows:

"Sec. 19. Said company shall pay or cause to be paid to the State Treasurer, on or before the first day of December, in each year, a ^{Annual tax.} tax of two per cent upon the dividends or net earnings of said company, which shall be in lieu of all other taxes."

Sec. 9. That so much of an act entitled an act to amend an act entitled an act to incorporate the St. Mary's canal company, approved March 14th, 1848, together with all other acts and parts of acts which are inconsistent with the provisions of this act, be and the same are hereby repealed. ^{Repealing clause.}

Sec. 10. The Legislature may at any time alter, amend or repeal ^{Amendment or repeal.} this act or the act to which this is amendatory, by a vote of two-thirds of all the members elected to each house.

Approved April 8, 1851.

[No. 146.]

AN ACT supplementary to an act to incorporate the Minesota Mining Company, approved March 7, 1849.

Whereas, the mining company are the proprietors of a tract of land on the Ontonagon river, and are extensively engaged in mining copper, twenty miles from its mouth, and on account of the many rapids and obstructions to the navigation of the river, and its importance to the mining country for the transportation of their supplies and mineral, makes an extensive improvement necessary, and that the expense may be divided among those using it, it is desirable they should have a grant for that purpose; therefore, ^{Preamble.}

Section 1. *The People of the State of Michigan enact*, That the Minesato mining company, incorporated March 7, 1849, be and are hereby authorised to dig, cut and excavate the channel of the Ontonagon river, for its improvement, and it shall be lawful for said company, or upon its authority, to precede upon and make use of for the sole purpose herein contemplated, any lands upon the bank of said river, to take, carry away, and use, any timber, stone, earth ^{Authorized to improve the Ontonagon river.}

or other materials; to erect, set up, any dams, locks, piers, tow-paths or other work necessary to confine the waters of said river in one channel, from the mouth thereof to the junction of the east branch with the main body of said river, paying for such lands used the assessed value the commissioners of the county may put upon it; and that for such purpose they may and are hereby authorized to appropriate fifty thousand dollars of their capital stock, which may at any time be paid in for such purpose.

Tolls.

Sec. 2. The said company, on the completion of said work, shall be authorized to charge and collect tolls on all boats, vessels, steamers or other water craft carrying freight or engaged in towing, of over five tons burthen, at the rate of twenty cents per ton for each trip of said boats, vessels, steamers or other water craft, and at the rate of ten cents per ton for all freight transported on said river; and in case of the neglect or refusal of any person or persons to pay said tolls, the owner of said boat, vessel, steamer or other water craft shall be liable to a fine treble the amount of said tolls, to be collectable as a debt, before any magistrate of the county.

May construct plank or turnpike road.

Sec. 3. That the said Minesota mining company, whenever they shall deem it expedient, may locate, lay down and construct a plank or turnpike road from their mines to the main branch of the Ontonagon river below the rapids; or if the river can be made available, then the same may be extended to a favorable point above the rapids, entering upon and occupying such lands for that purpose, paying therefor its valuation by the county commissioners: *Provided*, That said company shall have the right to charge other companies or individuals for transportation on said road, not to exceed treble the amount charged by the Detroit and Birmingham plank road company.

Sec. 4. The Legislature may at any time alter, amend or repeal this act.

Acceptance

Sec. 5. This act shall take effect whenever the said company shall file their acceptance of the same in writing, signed by the president or a majority of the directors of said company, in the office of the Secretary of State: *Provided*, Such acceptance shall be so filed within six months from the passage of this act.

Approved April 8, 1851.

[No. 147.]

AN ACT to amend the charter of the village of Niles.

Section 1. *The People of the State of Michigan enact*, That so much of the township of Niles in the county of Berrien, as has heretofore been laid out and recorded as "Walling and Lacey's plat of Niles," "William Justin's plat of Niles," "William Justin's addition to Niles," "Elijah Lacey's addition to Niles," "H. B. and G. W. Hoffman's addition to Niles," "H. B. Hoffman's addition to Niles," "Green and Hoffman's addition to Niles," Green & H. B. & G. W. Hoffman's addition of out-lots to Niles," "G. N. & C. Bond's addition to Niles," "Jacob Beeson's first and second addition to Niles," "O. P. Lacey's first addition to Niles," "O. P. Lacey's second addition to Niles," excepting lots numbered 222, 223, 224, 225, 226, 227, 228, 229, 236, 231, 232, 233, 270, 271, 272, 273, 274, 275, 276, 277, and that part of Phoenix street lying between blocks made up of the aforesaid lots, shall be and the same is hereby constituted a town corporate by the name of the "Village of Niles." Boundaries.

Sec. 2. The officers of said village shall consist of a president, recorder, seven trustees and a treasurer, who shall be elected by ballot and by a plurality of votes of the legal electors of said village, and shall hold their offices for one year or until their successors are chosen. Officers.

Sec. 3. The first election shall be holden on the third Monday of April, at the Western Hotel in said village, and it shall be the duty of the present recorder of said village to give at least six days notice of the time and place of holding said election, by publication in one or more of the papers printed in said village; all subsequent elections shall be holden on the second Monday in March in each and every year, at such place as the common council shall direct; and it shall be the duty of the recorder to give notice as aforesaid of the time and place of holding such election. 1st election.

Sec. 4. The qualifications of electors, the manner of opening and closing the polls and canvassing the votes, shall be the same as provided by law for the general election of State officers. Ibid. The present recorder and three of the present trustees of said village, shall be the first board of election; and at all subsequent elections the recorder and such number of the trustees as shall be designated by

Board. the council, not less than three; and either of them may administer the oath to the electors; and any person who shall knowingly and
Oath. falsely take such oath, shall be deemed guilty of perjury, and on conviction thereof, shall be liable to the same penalties as are provided for the punishment of that crime by the laws of this State.

Incorporation. Sec. 5. The president, recorder and trustees of said village shall be a body corporate and politic, with perpetual succession, by the name of the "Common Council of the village of Niles," and by that name they and their successors shall be known in law, and shall be capable of suing and being sued in any of the courts of this State; may have a common seal and may alter or change the same at pleasure, and may take, purchase, hold, sell, lease and convey any real and personal estate for the use and benefit of said corporation.

Oath of officers. Sec. 6. The officers aforesaid shall, before entering upon the duties of their respective offices, severally take and subscribe before some officer authorized to administer oaths, an oath or affirmation to support the constitution of the United States and of this State, and faithfully perform the duties of the offices to which they are elected; which oath or affirmation shall be filed with the recorder; and the treasurer shall, before entering upon the duties of his office, execute and deliver to the common council a bond with satisfactory security, in such penal sum as the council may direct, conditioned for the faithful performance of his duties.

Common council. Sec. 7. The president, recorder and trustees, or a majority of them all, when assembled and organized, shall constitute the common council of the village of Niles. It shall be the duty of the president to preside at their meetings, to call them together as often as he may deem necessary, or when requested to do so by two or more trustees; and when so assembled it shall be the duty of the recorder to keep a fair and accurate record of the proceedings in a book to be prepared for that purpose, which book, together with all books and papers pertaining to his office, shall be by him handed over to his successor.
Record.

Sec. 8. The common council shall have power to appoint a marshal, collector, street commissioner, assessors and all other officers and agents, deemed by them to be necessary for carrying on the affairs of said village; to require of them such bonds for the faithful performance of their duties as they may deem necessary, and to dis-

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miss them at pleasure. The officers and agent before entering upon the duties of their offices the oath of office provided in section six, before hereby authorized to administer the same.

Sec. 9. The common council shall have power and ordinances, regulating the duties, powers and cers by them appointed; relative to the time and the streets, lanes and alleys of said village; relative sessing, levying and collecting all taxes in said vill ding the streets and side-walks, and planking, pav same; relative to setting awning and other posts an streets; to the building and repairing all bridges, obstructions of streets, side walks and bridges, at tion and abatement of all nuisances.

Sec. 10. The common council shall have power by-laws and ordinances as they shall deem proper habitants of said village from injuries from fire, an olating the public peace; for the suppression of ri other disorderly conduct, and for the punishment the apprehension and punishment of all drunkards, persons; and they shall have power generally to n laws and ordinances, which shall not conflict with th laws of this State, as to them shall appear necessa and good government of said village and the inhabi to impose and collect for the use of said village, suc and forfeitures from all persons violating the sai deem proper: *Provided*, That the penalties impose laws and ordinances for acts which are also in viol utes of this State, shall not exceed the statutory punish

Sec. 11. The common council shall have exclusiv thority to license all shows, theatres, circuses, and pi and to fix the rates to be paid for the same: *Provid* hibition of a circus shall be at a less price than tw for a day, or less time. They shall have power to req uring and selling fire wood, weighing hay, and to pr ignate the stands for carts, and for wood, hay and f for sale in the streets of said village; to prevent and

for immoderate riding or driving in the streets; to regulate and prohibit bathing publicly in the waters of said village; to provide for cleansing the water of the St. Joseph river, within the bounds of said village, from obstructions, and to regulate all grave yards for the burial of the dead.

Powers of
common
council.

Sec. 12. The common council shall have power to establish the width and grade of side walks, and to construct all such side and cross walks, drains, gutters and sluices as are necessary in the streets, lanes and alleys of said village, and to assess the cost of the same upon the property benefitted, and to collect such assessment of the owner or the occupant of such property, or to sell the property for such assessment and the costs thereon, in the same manner as is hereafter provided for the sale of property for other taxes.

Assessment

Sec. 13. The assessor of said village shall once in each year make an assessment roll of all the real and personal estate in said village, and the names of the owners, if known, of each parcel of such real estate, and the names of all persons liable to pay a poll tax, and shall set down in such roll the valuation of all such property at its fair cash value, and shall give notice of its completion by publication in one or more of the papers printed in said village, by at least two insertions, stating the time and place where they will meet to hear the objections of any person interested in such valuation; and it shall be the duty of the assessor to hear and determine the objection of all such persons and to reduce such valuation on sufficient cause shown; and the common council may at any time before the tax is collected, review such assessment roll and correct any description of real estate which they may find erroneously or imperfectly described, and may add the name of any person liable to pay a poll tax which they may find to have been omitted.

Tax.

Sec. 14. On completion of the assessment roll as aforesaid, the common council shall assess and apportion upon the real and personal estate therein described, such tax as they may deem necessary for the use of said village for the current year, not to exceed one thousand dollars in any one year, and a further poll tax, not to exceed one dollar upon each and every male inhabitant of said village over twenty-one years of age; and the recorder shall make a duplicate of the roll for the use of the collector. But the common council shall

have no power to contract debts and make expenditures in any one year, which shall exceed the amount of taxes and other revenue for the same year. Not power to contract debts.

Sec. 15. Every assessment of any tax lawfully imposed shall forever be and remain a lien upon the real estate upon which it is levied, from the time of making the assessment or imposing the tax; and the owner or occupant or parties in interest respectively in such real estate, shall be liable on demand to pay every such assessment or tax levied or imposed upon real or personal estate as aforesaid, and in default of such payment on demand, it shall be lawful for the collector to seize upon, remove and sell the personal property of such owner or occupant, or any other personal property found on the premises, to pay the same, together with costs and expenses of such sale; and no claim of property to be made thereto by any other person, shall be available to prevent a sale; all sales so made shall be in the same manner and with like notice as is required of township collectors by the laws of this State; but any property exempt from sale for State and county taxes by the laws of this State, shall be exempt for any corporation tax. Taxes remain a lien. Collection of taxes.

Sec. 16. In case no property can be found on any of the real estate taxed, and the taxes remain unpaid at the expiration of the warrant of the collector, it shall be his duty to make return thereof to the common council, who shall thereupon direct the treasurer to sell the real estate upon which the taxes remain unpaid, at public auction, first giving thirty days' notice of the same by publication in one of the papers printed in said village; which notice shall contain a concise description of the real estate, the amount of the tax and expenses thereon, and the time and place where it will be offered for sale; at the time and place appointed the treasurer shall proceed to offer the different parcels of real estate for sale at public auction, and shall sell the same to the person who will take the least part or portion thereof and pay the taxes, interest and costs due thereon, and the treasurer shall thereupon make and issue his certificate to such purchaser, setting forth the sale, and that the purchaser will within one year from the date thereof, be entitled to a deed for the premises, unless redeemed as hereinafter provided. At the expiration of one year from the date of such certificate, unless redeemed, the Sold. Sale of premises for tax.

treasurer, or his successor in office, shall execute and deliver to the purchaser, his, her or their heirs or assigns, a deed of the premises, which deed shall be prima facie evidence of title in any of the courts of this State.

Redemption Sec. 17. Any owner of real estate so sold, may, within one year from the date of such sale, redeem the same by paying to the treasurer of said village the amount for which it was sold, together with interest at the rate of ten per cent per annum.

Duty of treasurer. Sec. 18. It shall be the duty of the treasurer to safely keep all moneys coming into his hands belonging to the corporation, and to pay the same on the order of the recorder, countersigned by the president, and at the expiration of his office, to hand over all moneys remaining in his hands, and all books and papers pertaining to his office, to his successor.

Duty of recorder. Sec. 19. The recorder of said village shall be a police justice of the peace, and shall have cognizance of all matters arising under and by virtue of this act of incorporation, and the by-laws and ordinances of the common council made in virtue thereof, and of all cases arising under chapter forty-one of the revised statutes of 1846, or of any amendment hereafter made by the legislature to said chapter, within the bounds of said village, and may issue all summonses, warrants, executions and other processes, to enforce the same, and proper judgments thereon to render, and in like manner and with like effect as may be done by any other justice of the peace by the laws of this State. And all processes by him issued shall be tested and returnable in the same manner and with like effect, and the proceedings thereon shall conform to and be conducted in the same manner as is provided for and applicable to justices of the peace by the laws of this State; and the recorder shall be entitled to the same fees as other justices of the peace for similar services.

Fees of recorder.

Marshal; his duties. Sec. 20. The marshal shall be a police constable and shall serve any and all papers that may be issued by the recorder or any other officer by virtue of this act of incorporation, and shall be entitled to demand and receive the same fees as constables are entitled to for similar services; and shall be entitled to the same privileges and subject to the same liabilities as are provided for constables in the discharge of their duties by the laws of this State.

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Sec. 21. The docket of the recorder kept by him, shall be and remain a public record in his possession, by him delivered over, together with all other books belonging to the office of recorder, to his successor in office shall be authorized to continue proceedings commenced by his predecessor as such recorder.

Sec. 22. The common council shall have power to establish one or more fire companies, a hose company and ladder company, to consist of not more than twenty-five members, and to prescribe their duties. The members of said companies shall be appointed by the common council on the recommendation of the firemen or captain of each company. It shall be the duty of the recorder to issue a certificate of membership to each member appointed. The members may in all cases elect their own officers, make their own by-laws, which shall not conflict with the acts and ordinances of the common council; a certificate of membership and the certificate of the foreman or captain of the company that the member has complied with all the regulations of the company shall be necessary, in order to entitle any person to the rights and privileges by law to firemen.

Sec. 23. In case of the refusal or neglect to serve as an officer mentioned in section two, or of a vacancy, by death or otherwise, the common council shall have power to fill the vacancy within the unexpired time for which such officer was elected.

Sec. 24. Before any by-laws or ordinances of a village take effect, they shall be published once in a week in a newspaper printed in said village; and a printed copy, so published, by the authority of the common council, shall be admitted in evidence of the passage and publication thereof in any court in this State.

Sec. 25. It shall be the duty of the marshal to collect the fines which may be due for license of shows and public games, and fines, penalties and forfeitures imposed or assessed by the act of incorporation and of the by-laws and ordinances of the common council, and to pay the same to the treasurer of the village, and the treasurer shall pay over the same to the proper authorities provided.

Repeal.

Sec. 26. All acts and parts of acts heretofore passed, which are inconsistent with this act, so far as said village is concerned, are hereby repealed, so far as they affect said village; but such repeal shall not affect any act done, proceeding had, or any tax sale made, or any by-law or ordinance made, but the same shall be and remain as valid and effectual as if this act had not been passed.

Public act.

Sec. 27. This act shall be deemed a public act, and shall take effect and be in force from and after its passage.

Approved April 8, 1851.

[No. 148.]

AN ACT granting to Alexander H. Bartley and his assigns, the right to keep and maintain a ferry across the St. Clair river, at the village of St. Clair.

Grant.;

Section 1. *The People of the State of Michigan enact, That Alexander H. Bartley and his assigns be and they are hereby empowered to keep and maintain a ferry or ferries across the St. Clair river, at the village of St. Clair, in the town and county of St. Clair; and the said privilege is hereby declared to be vested in him or his assigns for and during the term of fifteen years from the first day of May next.*

Shall provide landing and suitable boats.

Sec. 2. The said Alexander H. Bartley or his assigns shall, on or before the expiration of six months from and after the time this act shall take effect, make or cause to be made a good and suitable landing place at the foot of Orleans street in said village, or at any other point in said village, where they may establish a ferry; and cause to be built a good and sufficient ferry boat or boats, conveniently constructed for safety and for the purpose of transporting passengers, baggage, freight carriages, horses, cattle and produce, and to be furnished with suitable implements or machinery for propelling, and so many men as may be required for the safe navigation of the same; and in case they shall neglect or refuse so to do in the time above specified, then and in that case, all the rights and privileges hereby granted shall be null and void.

Ibid.

Sec. 3. The said boats shall be in readiness to take passengers, teams, carriages, goods, chattels, &c., at all times when it shall be

reasonable and safe to cross said river between sun-rise and sun-down: *Provided however*, That nothing in this act shall prevent other persons from ferrying across said river, passengers, teams, &c., if said Alexander H. Bartley, or his assigns, shall neglect or refuse to keep in readiness a suitable number of boats, and properly supplied with implements and manned as before specified.

Sec. 4. The said Alexander H. Bartley, or his assigns, shall and may be allowed to charge and collect the following tolls: From November first to April first, for each foot passenger, eighteen and three-fourth cents; for man and horse, fifty cents; for carriage with single horse, passengers and goods, eighty-five cents; for loaded wagon or cart, with two horses, passengers and driver, one dollar and fifty cents; for an empty wagon or a wagon or coach carrying passengers only, with two horses, passengers and driver, one dollar and thirty cents; for an additional horse, mule or ox, twenty-five cents; for a mule or horse not rode nor in harness, twenty-five cents; for every head of neat cattle, when there are more than four, twenty-five cents; for every head of neat cattle when there are less than four, fifty cents; for calves under two years old, or sheep or swine, ten cents. From April first till November first, for each foot passenger, twelve and a half cents; for man and horse, thirty-seven and one-half cents; for carriage with single horse, passengers and goods, sixty-five cents; for loaded wagon or cart, with two horses, passengers and driver, one dollar; for an empty wagon, or a wagon or a coach carrying passengers only, with two horses, passengers and driver, eighty cents; for an additional horse, mule or ox, eighteen and three-fourths cents; for each head of cattle, when there are more than four, eighteen and three-fourth cents; for each head of cattle, when there are four or less, thirty cents; for calves under two years old, or sheep or swine, six and one-fourth cents.

Sec. 5. If it shall at any time appear to the circuit court of the county of St. Clair, upon sufficient evidence, that the said Alexander F Bartley or his assigns, have neglected or refused to comply with the directions of this act, in keeping the ferry aforesaid, according to fair intent and meaning thereof, it shall and may be lawful for said court to adjudge that all the privileges granted to them by said act, shall cease and become void: *And provided*, That the sai

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of toll shall be subject to be re-established by the board of supervisors of said county, at any regular meeting thereof, upon the application of any three freeholders of said county; but no such reduction shall take place unless it shall be made to appear to said board that twelve days notice of such intended application has been given to the proprietors of said ferry, or by publishing the same three successive weeks in some newspaper published in said county.

Repeal.

Sec. 6. The Legislature may alter, amend or repeal this act by [a] vote of two-thirds of the Legislature, whenever it shall be deemed necessary to promote the public good.

Approved April 8, 1861.

[No. 149.]

AN ACT to amend section one of chapter ninety-three of the revised statutes of eighteen hundred and forty-six, conferring jurisdiction upon justices of the peace.

Section 1. *The People of the State of Michigan enact*, That section one of chapter ninety-three of the revised statutes of eighteen hundred and forty-six, be and the same is hereby amended so that the same shall read as follows:

Sec. 1, chap.
93 amended

"Sec. 1. Every justice of the peace elected in any township or city of this State, and duly qualified according to law, shall have original and exclusive jurisdiction of all civil actions wherein the debt or damages do not exceed the sum of one hundred dollars, and concurrent jurisdiction in all civil actions founded upon contract, express or implied, wherein the debt or damages do not exceed three hundred dollars, except as is provided in the next section, and to hear, try and determine the same according to law."

Approved April 8, 1861.

[No. 150.]

AN ACT to amend the second section of an act entitled an act to incorporate the Douglass Houghton Mining Company, approved March 27th, 1848.

Section 1. *The People of the State of Michigan enact*, That sec-

tion two of an act to incorporate the Douglass Houghton mining com- Sec. 2 amended.
 pany, approved March 27th, 1849, be and the same is hereby amen-
 ded by striking out from line three the words "one hundred," and
 inserting the word "thirty," and by striking out all after the word
 "Michigan," in the fourth line, and substituting the words "as shall
 be necessary for the exercise of its corporate franchises;" so that
 [said] section shall read:

"Sec. 2. The said company shall have corporate succession; its
 capital stock shall be three hundred thousand dollars, divided into
 shares of thirty dollars each; and said company may acquire and
 hold such real and personal estate in the upper peninsula of Michi-
 gan as shall be necessary for the exercise of its corporate franchi-
 ses."

Sec. 2. This act shall take effect whenever the said company shall
 file their acceptance of the same in writing, signed by the president
 or a majority of the directors of said company, in the office of the
 Secretary of State: *Provided*, Such acceptance shall be so filed within
 six months from the passage of this act.

Approved April 8, 1851.

[No. 151.]

AN ACT to provide for the Government of the State University,
 and to repeal chapter fifty-seven of the Revised Statutes of eigh-
 teen hundred and forty-six.

Section 1. *The People of the State of Michigan enact*, That the Designation
 institution established in this State, and known as the University of
 Michigan, is continued under the name and style heretofore used.

Sec. 2. The university shall provide the inhabitants of this State Objects.
 with the means of acquiring a thorough knowledge of the various
 branches of literature, science and arts.

Sec. 3. The government of the university is vested in the board Government
 of regents.

Sec. 4. The board of regents shall constitute the body corporate,
 with the right as such of suing and being sued, of making and using Corporation
 a common seal, and altering the same.

Sec. 5. The regents shall have power to enact ordinances, by-laws

Powers. and regulations for the government of the university; to elect a president, to fix, increase and reduce the regular number of professors and tutors, and to appoint the same, and to determine the amount of their salaries.

Ibid. Sec. 6. They shall have power to remove the president, and any professor or tutor, when the interest of the university shall require it.

Ibid. Sec. 7. They shall have power to appoint a secretary, librarian, treasurer, steward, and such other officers as the interests of the institution may require, who shall hold their offices at the pleasure of the board, and receive such compensation as the board may prescribe.

Sec. 8. The university shall consist of at least three departments:

Departments 1. A department of literature, science and the arts.

2. A department of law.

3. A department of medicine.

4. Such other departments may be added as the regents shall deem necessary and the state of the university fund shall allow.

Duties of regents. Sec. 9. The regents shall provide for the arrangement and selection of a course or courses of study in the university, for such students as may not desire to pursue the usual collegiate course, in the department of literature, science and the arts, embracing the ancient languages, and to provide for the admission of such students without previous examination as to their attainments in said languages, and for granting such certificates at the expiration of such course or term of such students, as may be appropriate to their respective attainments.

Ibid. Sec. 10. The regents shall make provision for keeping a set of meteorological tables at the university, after the forms adopted and furnished by the Smithsonian Institution, the record of which shall be transmitted with their report to the Superintendent of Public Instruction, who shall embody the same into his report.

President. Sec. 11. The immediate government of the several departments shall be entrusted to the president and the respective faculties; but the regents shall have power to regulate the course of instruction and prescribe, under the advice of the professorships, the books and authorities to be used in the several departments; and also to confer such degrees and grant such diplomas as are usually conferred and granted by other similar institutions.

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Sec. 12. The fee of admission to the regular university course in the department of literature, science and the arts, shall not exceed ten dollars, but such course or courses of instruction as may be arranged under the provisions of section nine of this act, shall be open without fee to the citizens of this State. Admi
ss.

Sec. 13. The university shall be open to all persons resident of this State, without charge of tuition, under the regulations prescribed by the regents; and to all other persons under such regulations and restrictions as the board may prescribe. To w
open.

Sec. 14. The moneys received from such source shall be paid to the treasurer, and so much thereof as shall be necessary for the purpose, shall be expended by the regents in keeping the university buildings in good condition and repair, and the balance shall be appropriated for the increase of the library. Money
whom
and he
applie

Sec. 15. The board of regents shall make an exhibit of the affairs of the university in each year, to the Superintendent of Public Instruction, setting forth the condition of the university and its branches; the amount of receipts and expenditures; the number of professors, tutors and other officers, and the compensation of each; the number of students in the several departments and in the different classes; the books of instruction used; an estimate of the expenses for the ensuing year; a full transcript of the journal of their proceedings for the year; together with such other information and suggestions as they may deem important, or the Superintendent of Public Instruction may require to embody in his report. Report

Sec. 16. From the increase arising from the interest of the university fund, the board of regents may erect from time to time, such buildings as are necessary for the uses of the university, on the grounds set apart for the same; but no such buildings shall be erected until provision shall be made for the payment of the existing indebtedness of the university, nor until one branch of the university shall be established in each judicial circuit of the State. Univers
fund; h
expende

Sec. 17. The board of regents shall have power to expend so much of the interest arising from the university fund, as may be necessary for the improving and ornamenting the university grounds, for the purchase of philosophical, chemical, meteorological, and other apparatus, and to keep the same in good condition. Interest
fund; h
expended

Branches. **Sec. 18.** As soon as the income of the university interest fund will admit, it shall be the duty of the board of regents to organize and establish branches of the university, one at least in each judicial circuit or district of the State, and to establish all needful rules and regulations for the government of the same. They shall not give to any such branch the right of conferring degrees, nor appropriate a sum exceeding fifteen hundred dollars, in any one year, for the support of any such branch.

Ibid. **Sec. 19.** The regents may establish and organize a branch or branches, by the creation of a trusteeship for the local management of the same, or they may in their discretion select for a branch, under the restrictions aforesaid, any chartered literary institution in the State.

Meetings. **Sec. 20.** The meetings of the board may be called in such manner as the regents shall prescribe; five of them shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time.

Board of visitors. **Sec. 21.** A board of visitors, to consist of three persons, shall be appointed biennially at the commencement of the collegiate year, by the Superintendent of Public Instruction. It shall be their duty to make a personal examination into the state and condition of the university in all its departments and branches, once at least in each year, and report the result to the Superintendent, suggesting such improvements as they may deem important; which report shall be embodied into the report of the Superintendent.

Pay of regents and visitors. **Sec. 22.** The regents and visitors of the university shall each receive pay for the actual and necessary expenses incurred by them in the performance of their duties, which shall be paid out of the university interest fund.

Orders. **Sec. 23.** All orders on the treasurer shall be signed by the secretary, and countersigned by the president.

Repeal. **Sec. 24.** Chapter fifty-seven of the revised statutes is hereby repealed.

Approved April 8, 1851.

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[No. 152.]

AN ACT to amend sections one, two and three
five of the revised statutes of eighteen hundred

Section 1. *The People of the State of Michigan* sections one, two and three of chapter ninety-five, titled and entitled "an act for revising and consolidating of the State of Michigan," approved May eight hundred and forty-six, be and the same are hereby amended, to stand as section one; also by striking out "and," in the first line of section two, as printed, amended," also by striking out the words "within fifteen days of his appointment, and," in the first and second sections, as printed; so that said sections when amended shall read, viz:

"Sec. 1. There shall be elected at the general election in the year eighteen hundred and fifty-two, and thereafter, one circuit court commissioner in each county of this State, who shall enter upon the discharge of his official duties on the first day of January succeeding and hold their offices two years, and be vested with powers not exceeding those of a judge of the circuit court."

"Sec. 2. No person shall be elected a circuit court commissioner unless he be at the time an attorney and counsellor at law in the supreme court."

"Sec. 3. Every circuit court commissioner, before entering upon the duties of his office, shall take and subscribe the oath of office prescribed by the constitution of this State, and transmit the same to the Secretary of State, to be filed in his office."

Approved April 8, 1851.

[No. 153.]

AN ACT relating to the State Library.

Section 1. *The People of the State of Michigan*

Library
room.

State library room shall be appropriated to the use of the Superintendent of Public Instruction, for his office.

Shall keep
meteorological
tables.

Sec. 2. The State Librarian, in addition to the duties prescribed by law, shall keep a set of meteorological tables, after the forms adopted by the Smithsonian Institute, and under the direction of the Superintendent of Public Instruction; and the same shall be embraced with annual report of the Superintendent, together with the report of the Librarian.

Shall deposit
books,
&c., in state
library.

Sec. 3. The Superintendent of Public Instruction shall cause the books, papers, maps, apparatus, &c., pertaining to his office, to be deposited in the State library; and it shall be his duty to collect such books, maps, apparatus, &c., as can be obtained without expense to the State, and deposit the same in the library.

Assistant.

Sec. 4. The librarian shall also act as assistant to and shall perform such duties as may from time to time be required by the Superintendent, free of expense to the State.

Approved April 8, 1851.

[No. 154.]

AN ACT to provide for publishing the reports of the State officers for the year 1852, and every second year thereafter.

Secretary to
cause re-
ports to be
printed.

Section 1. *The People of the State of Michigan enact*, That all State officers or boards of officers from whom annual reports are required by law to be made to the Legislature, shall, in the year 1852, and every second year thereafter, report to the Governor of this State, at the time now required by law, who shall immediately deposit the same in the office of the Secretary of State; and the Secretary shall cause a sufficient number of copies of each of said reports to be printed by the person who is under contract to do the State printing for the time being, in the usual form, to furnish each township in the State one copy for the use of the library thereof; also one copy of each for each county clerk and county treasurer, and ten copies of such reports to each city, for the use of the city library, and also one hundred and fifty copies of each, which shall be placed in the State library, and five hundred copies of each which shall be preserved for binding in the joint documents of the next succeeding Legislature;

No. of co-
pies.

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and one hundred copies for the use of the offices.

Sec. 2. It shall be the duty of the Secretary said reports shall be printed and ready for distribution one copy of each to the township clerk of each township which shall be deposited in the township library, county clerk and county treasurer; also ten copies to the city clerk for the use of the city library, five hundred placed in the State library, and the remaining copies shall be retained by him, and be bound in the journals of the next Legislature.

Approved April 8, 1851.

[No. 155.]

AN ACT to provide for the formation of companies for plank roads.

Section 1. *The People of the State of Michigan* may, by a majority of persons, not less than five, may be authorized for the purpose of constructing and owning a plank road, complying with the following requirements: Notice shall be published in at least one newspaper, printed in each county through which the road is intended to be constructed, of the time and place for the subscription of books for subscribing to the stock of such road. If there be no newspaper printed in the county, then the notice shall be printed in a newspaper in the city of Detroit: the amount of at least two hundred dollars per mile of road intended to be built shall be in good faith subscribed, and ten per cent paid thereon, as hereinafter required, then the subscribers may, upon due and proper notice, elect directors for the management of the road; and thereupon they shall severally subscribe to the stock, in which shall be set forth the name of the company, the number of years the same is to be continued, which shall not exceed fifty years from the date of said articles; the amount of the stock of said company, the number of shares of stock, and the names of the subscribers shall consist; the number of directors and their names.

manage the concerns of the company for the first year, and shall hold their offices until others are elected; the place from and to which the proposed road is to be constructed; and each town, city and village into or through which it is intended to pass, and its length, as near as may be.

Articles of association. Sec. 2. Each subscriber to such articles of association shall subscribe thereto his name and place of residence, and the number of shares of stock taken by him in said company. The said articles of association may, when the provisions of the next section are complied with, be filed in the office of the Secretary of State; and thereupon the persons who have so subscribed, and all persons who shall from time to time become stockholders in such company, shall be a body corporate, by the name specified in such articles; and as such shall be capable of suing and being sued in all courts and in all manner of actions, and may have a common seal, and be capable of purchasing and acquiring from any person or persons, by gift, grant or otherwise, and holding any land, tenements and hereditaments, necessary to be used in the construction, repair and preservation of such road, and the erection of toll-gates and houses thereon; and may by such by-laws prescribe the manner of calling and conducting the meetings of the stockholders, and shall possess the powers and privileges, and be subject to the provisions contained in chapter fifty-five of title ten of the revised statutes of this State, entitled "general provisions relating to corporations," as far as the same shall be applicable, and not inconsistent with the provisions of this act.

Powers.

General provisions.

Articles; where filed. Sec. 3. Such articles of association shall not be filed in the office of the Secretary of State until five per cent on the amount of the stock subscribed thereto shall have been actually and in good faith paid to the directors named in such articles, nor until there is endorsed thereon or annexed thereto, an affidavit made by at least three of the directors named in such articles, that the amount of the capital stock required by the first section of this chapter has been subscribed, and that five per cent on the amount has been actually paid in; and no stockholder shall be entitled to vote for directors of any company of which he may be a member, or for any other purpose, unless all assessments due on his stock shall be paid before such election.

Vote of stockholders.

Sec. 4. A copy of any articles of association, filed in pursuance of

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this chapter, with a copy of the affidavit aforesaid or annexed thereto, and certified by the Secretary to be a true copy, and of the whole of such articles of incorporation, the affidavit endorsed thereon or affixed thereto, and places presumptive evidence of the incorporation, and of the facts therein stated.

Sec. 5. The business and property of such corporation shall be managed and directed by a board of not less than seven directors, who, after the first year, shall be elected at such time and place as shall be directed by the corporation; and public notice shall be given of the holding of such election, not less than twenty days in such manner as shall be prescribed by the corporation; the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; the vote shall be by ballot, and each stockholder shall be entitled to vote as many shares of stock as he shall own; and the greatest number of votes shall be directors. Whenever a vacancy shall happen in the board of directors, such vacancy shall be filled for the remainder of their term by the remaining directors; and the directors shall hold their offices for one year, and until their successors are elected in their places; and no person shall be a director unless he shall be a stockholder in the company.

Sec. 6. In case it shall happen that an election of directors shall not be held on the days fixed for such election in the charter of such company, such corporation shall not for that reason be dissolved; but it shall be lawful on any other day to hold an election of directors as shall be provided in the said by-laws of the corporation; and such provisions, then on some early day, to be appointed by the directors then in office; and in all such cases the time and place of holding the election shall be given in the preceding section; and all acts of the directors shall be valid as against such corporation.

Sec. 7. A majority of the directors shall be a quorum for the transaction of business, and the acts of a majority of the directors shall be the acts of the corporation.

Sec. 8. The directors, at their first meeting after their election, shall

Officers. shall choose by ballot one of their number as president and one as treasurer, and they shall supply a vacancy in the office of president or treasurer whenever the same shall occur.

By-laws. Sec. 9. The president and directors shall have power to make and prescribe such by-laws, rules and regulations respecting the transfer of stock, and the management and control of the property, business and affairs of such corporation as they may deem proper, not inconsistent with the constitution and laws of the United States or of this State; and shall have power to appoint and employ officers, clerks, agents and servants, for conducting and carrying on the business of such corporations, and determine their duties and the salaries and wages to be paid to them.

May enter upon lands. Sec. 10. It shall be lawful for such company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of such road, doing thereto no unnecessary damage, and paying any damage which may accrue; nor shall such company locate any such road through any orchard or garden without the consent of the owner thereof, nor through any buildings or any fixtures or erections for the purpose of trade or manufacture; or any yard or enclosures necessary for the use or enjoyment thereof, without permission from the owner or owners; and

Route. when the said route shall be determined by the said company, it shall be lawful for them, their officers, agents, engineers, contractors and servants, to enter upon, take possession of and use such lands to the width of four rods, as said company may have purchased or obtained from the owners and occupants the right to use; and also to enter upon, take and use any other lands which may be necessary for the purpose of constructing and maintaining thereon such road, toll-houses, gates, fixtures and appurtenances; the necessity for taking

Damages. such land and the damages to be paid therefor being first ascertained, and such damages paid as hereinafter provided.

Shall not purchase lands except for use of road. Sec. 11. The said corporation shall not, in their corporate capacity, hold, purchase or deal in any lands within this State, other than the lands on which their road shall run, or which may be actually necessary for the construction or maintenance thereof, and of the gates, toll-houses and other fixtures connected therewith.

Sec. 12. Such company so formed may procure, by purchase or

gift from the owners thereof, any lands necessary for the construction of such road, or for the erection of gates, toll-houses and other fixtures, or may obtain from the owner or occupants the right to use the same for the purposes aforesaid, on such terms as they may agree upon in writing.

Sec. 13. Whenever said company shall desire to enter upon and occupy for the purpose of making said road, any lands, the owner of which shall refuse to permit such entry or occupation, and such company can not agree with such owner upon the compensation and damages to be paid for the use of such lands, it shall be lawful for the parties to appoint three disinterested persons, residents of the county, to estimate and appraise such compensation and damages. Every such appraisalment shall be reduced to writing and signed by the appraisers or a majority of them, and a duplicate copy thereof shall be furnished to each of the parties. The expense of such appraisalment shall be paid by said company. Damages appraised

Sec. 14. Whenever such company shall be unable to agree with the owner or occupant of any such lands, whereon to construct such road, fixtures and appurtenances, or if they cannot agree upon appraisers as aforesaid, or if said appraisers so agreed upon shall fail to make their award within the stipulated time, or if the owner or occupant of any such lands shall be a married woman, minor, insane person, an idiot, or a non-resident of this State, having no known agent with power to sell, the directors of such company may apply by petition to any court of record within any county, through any part of which the route of said road may run, at any session thereof legally held, for the appointment of three commissioners to ascertain and determine whether it be necessary to the public interest to take such lands for the proposed road, and if so, to ascertain and determine the amount of damages therefor. Such petition shall briefly describe the route of said road, and shall state that such company have been unable to agree with certain owners or occupants of certain lands through which said road is to run, as to the necessity of taking such lands for the purposes of such road, or as to the amount of damages to be allowed therefor; but it shall not be necessary in such petition to describe particularly the lands nor the names of the owners; and if it shall appear to the court that previous public notice Commissioners of appraisal.

of such application has been published for three successive weeks in a newspaper published in said county, or if none in the county, then in the paper published nearest thereto, then such court shall forthwith, or as soon as the business of such court will permit, proceed to hear and decide upon such application, and may hear any reason which they deem valid for or against the appointment of such commissioners, or of any commissioner which said court may name, and may hear any evidence applicable thereto; and if such court shall determine to appoint such commissioners, such court shall appoint three disinterested freeholders of said county, none of whom shall be residents of or owners of real estate in any township through which any part of such road shall run; and if it shall not be made to appear to such court that notice of such application shall have been given as aforesaid, the hearing shall be adjourned either to the next term thereof, or to such other day as shall be deemed proper, that such notice may be given, after which such court shall proceed with the hearing, and appoint commissioners as aforesaid.

Duties of
commissioners of
appraisal.

Sec. 15. Before such commissioners shall enter upon the duties of their office, they shall be sworn before some officer authorized to administer oaths, faithfully and impartially to perform their duties as such commissioners; which oath shall be in writing and shall be returned into such court with the report of their proceedings, and shall thereupon, at the request of the directors of such company, and at their expense, give notice of the time when they will proceed to examine the route of said road, or any part thereof, stating what part, to determine the necessity of taking the lands of any person or persons, and to ascertain and determine the damages therefor; which notice shall be published in a newspaper published in such county, or if none in the county, then in the paper published nearest thereto, for three successive weeks before the time appointed for making such examination and determination; and at or before the time appointed in such notice, the directors of such company shall furnish to the said commissioners a map and description, by reference thereto, of all the lands, the necessity for taking which and the damages for which, they may wish said commissioners to determine on such examination, together with the names and residence of the owners thereof or persons interested therein, as far as the same can be as-

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certained; and if it shall appear to said commission writing has been given by said company, or by thereof, to each of the owners or persons interested of the said county, of the said examination, and by delivering the same to such persons, or let some member of his family at his place of residence to the time of the examination, they shall so much of the route of such road within their been mentioned in the notice published by them reason that may be deemed pertinent, which in against the necessity of constructing such road taking therefor any lands of any person through pass; and they may take any testimony having question of such necessity; and in respect to the to be allowed to any person or persons for the lands for the purposes aforesaid; and each of said hereby authorized to administer all necessary oaths in the taking of any affidavits touching any matter may issue subpoenas for witnesses with the same law; and all witnesses shall be liable to the same obedience as for the like disobedience to subpoena of law, and may be fined or committed by such contempt, as in courts of law; and such examination used as long as may be necessary, or adjourned, as just, not, however, to exceed ten days at any one consent of both parties; and if the said commission shall determine that such road is not necessary interest, or that no lands of any individual are needed for any part of the said road, fixtures or appurtenances, certify in writing to the court by which they were said company shall not be allowed to take any such lands unless by agreement with the owners or occupants; if said commissioners shall determine that it is necessary in the public interest to take any such lands for the purposes aforesaid, they shall proceed to ascertain, appraise and determine the value of the same to the respective owners and occupants of such lands, and the consequences of the taking of such lands for the purposes aforesaid.

Duties of
commissioners of
appraisal.

scribing with convenient certainty each separate parcel, with the amount of lands to be taken by said company from each parcel, and the name and residence of each owner, as far as the same is known. They shall keep full minutes of their proceedings, with the substance of the evidence taken before them, and all the affidavits which shall be used before them; and they, or a majority of them, shall make and sign a report of all their doings aforesaid, accompanied by all proper exhibits, and a map, with references thereto, and shall, in such report, state the several amounts of damages which shall have been allowed by them to each owner and occupant, in respect to each separate parcel upon which an appraisal shall have been made, stating separately the sums allowed to parties unknown, the lands for which such damages are allowed, and also all the lands claimed by said company to have been necessary to be taken, and which such commissioners shall have decided to be unnecessary, and shall file the said report with the clerk of the court by which they were appointed, within twenty days after completing such appraisal. The decision of a majority of such commissioners shall be valid, but all shall take part in the hearing; such decision shall be final and conclusive upon all such persons who shall not, within fifteen days after the filing of such report, make and file with the clerk of such court a motion to set aside said report, so far as it respects the lands in which such person is interested, and serve a copy thereof upon one of the directors of such company, if to be found in the county; and if such directors cannot be found in the county, then such filing shall be sufficient notice to the company.

Motion for
re-appraisal

Sec. 16. Said motion shall be heard at the next session of such court, unless for good cause shown the hearing shall be continued; and on such hearing either party may introduce testimony in addition to that returned by the commissioners; and said court may confirm or annul the decisions of such commissioners upon the matter in question, or may order a re-appraisal of such particular pieces or parcels, and fix the time therefor. In making such re-appraisal, the commissioners shall proceed as hereinbefore directed, as near as may be; and their report thereof shall be made as aforesaid, in respect to the particular lands in question; and such report shall be confirmed or annulled by said court, as above provided in respect to the first re-

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port, and such court may order a re-appraisal as deemed necessary, till the same shall be confirmed

Sec. 17. Said commissioners shall at any time request of the directors of such company, and subject to the order of the court, proceed to ascertain and determine the damages to be paid for the taking of the lands of any person or persons, and the damages therefor, on any other portion of such road upon which such damages have not been ascertained. The commissioners shall continue to be the commissioners for that purpose on such road, until all such questions in reference thereto shall have been ascertained; unless the court by its order shall have appointed shall, on cause shown, remove them; and in case of the death or continual absence from office of them, such court shall appoint another or others in their stead.

Sec. 18. If the route of such road shall run through more than one county, the like proceedings may be had in each county through which any portion of the route may run.

Sec. 19. Such commissioners shall be entitled to a salary of one dollar per day for the time actually spent by them in the performance of their duties, to be paid by said company; and the persons who shall tend to the interest of incompetent or absent parties in such proceedings, section twenty-one of this act, shall also be paid by said company like compensation; the fees of witnesses and officers of the court, of subpoenas shall be the same as is or may be provided by law to witnesses in courts of justices of the peace; and the costs of appearing to the said commissioners that said compensation shall be paid by the company. Any such examination in respect to damages offered in writing, and tendered to any claimant of damages, for a sum for such damages as shall be allowed by them, shall be paid by the company, with the cost of proceedings, their attendance as commissioners and of the persons by them appointed. Section twenty-one of this act, shall be paid by such claimant. Any company may sue for and recover any part of such damages which they may have paid or become liable to pay, which shall be offset by said company against any damages which shall be allowed to such person.

Appraisal
of land in
certain ca-
ses.

Sec. 21. If any person interested in lands or damages to be appraised by such commissioners, shall be a married woman, a minor, an idiot, an insane person, a non-resident of this State, or unknown, and there shall be no one duly authorized by law to act instead of any such person, the said commissioners shall appoint, by an order in writing, to be made and signed by them, some competent and suitable person who will consent to act, (such consent shall be made in writing, signed by such person,) to take care of the interest of such interested person, in respect to the proceeding to ascertain such damages; and all such notices as are required to be served on any owner or interested person residing in such county, shall be served upon the person so appointed, in like manner and with like effect as if served upon the owner or person interested; but any person so appointed to take care of the interests of any such non-resident or unknown owner, may be superseded by him or any person by him duly appointed.

Ibid.

Sec. 22. In all cases of the appraisal of land authorized by this act, or of damages, and every proceeding in relation thereto, in which the appointment of a person shall have been made in accordance with the provisions of the preceding section, the person so appointed shall be regarded and treated in all respects as a party representing the interests of the person or persons owning or interested in the lands or damages to be appraised; and all proceedings in such cases shall be effectual and conclusive upon the party represented by the person so appointed.

Witnesses
subpoenaed.

Sec. 23. On application of any party interested, any judge or justice of the peace may issue a subpoena, requiring witnesses to attend before such commissioners; and such subpoena shall have the same force and effect, and the witnesses duly subpoenaed by virtue thereof, and refusing or neglecting to obey the same, shall be subject to the same penalties and liabilities as if such subpoenas were issued from a court of record in a suit pending therein.

Damages
must be
tendered be-
fore suing
and.

Sec. 24. Such company shall not be entitled to enter upon and take (unless by agreement with the owners or occupants) any lands for the use of their road, the damages for which have been ascertained and determined by appraisal, as is provided in this act, until such company shall have paid or legally tendered the amount of such

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damages to the person or persons entitled to receive the same in the cases provided in the next section (section 24) and if such payment or tender shall not be made after the appraisal has been finally determined and the award of persons agreed upon for making a confirmation of the report of commissioners, or a report aside the report as above provided, then said court shall accretion interest on such damages from the time such damages were determined and fixed as aforesaid; and after the payment of such damages as in this section provided, or after the provisions of the succeeding section of this act shall may enter upon and take the lands in respect to which a sale has been made to the said company, its successors, for the construction and maintenance of the said canal and appurtenances.

Sec. 25. If any person entitled to receive the award, be not a resident of this State, or cannot be found, the company may furnish to the court by whom such damages were appointed, or the judge thereof in vacation, a copy of such fact; and such court or the judge thereof shall make an order that the amount of such award shall be paid by the treasurer of the county in which the lands lie, in full, or such award was made for the use of such owner; and such payment be given by publishing the same in a newspaper for six successive weeks, in a newspaper published in the county where be one published there; if not, then such publication shall be made in a newspaper published in the city of Detroit, and if no proof being made to the said court or judge within six months from the time of making the last mentioned order for payment and publication, said court or judge shall make an order authorizing the company to take and hold the lands in respect to which such award was made, which shall have the same effect as if such payment had been made to the owner personally. The writs and orders mentioned in this section, shall be filed with the clerk of the court by which such commissioners were appointed, and such clerk shall file and preserve the same.

How to obtain use of street.

Sec. 26. Whenever such company may wish to use any part of a street in any city or village for the construction of their plank road over the same, such company shall apply to the common council of any incorporated city or village, or the president and trustees of any incorporated village, or the township board where the village is unincorporated, as the case may be, in which said street is situated, for the right to construct their plank road thereon; and it shall be the duty of such common council of any incorporated city or village, or president and trustees of any incorporated village, as the case may be, to examine, at the expense of such company, so much of any such street as may be wanted as aforesaid by such company; and if, in the opinion of a majority of such common council of any incorporated city or village, or president and trustees of any incorporated village, as the case may be, the public interest would not be prejudiced by granting the application of such company, said common council of any incorporated city or village, or president and trustees of any incorporated village, may, in writing, signed by them, grant to such company a right to enter upon, take and use such highway or street, for the purpose of constructing, maintaining and using a plank road thereon; and upon filing such grant in writing in the office of the register of deeds of the proper county, the said company may forthwith enter upon, take and use such street according to the said grant for the construction, maintenance and use of their plank road. The said common council, and said president and trustees shall expend in improving the streets of the city or village the amount received by them from such company for the use of said street.

May use highway upon consent.

Sec. 27. Any plank road company which shall be organized under this act, is hereby authorized to enter upon, take and use any public highway on the route of said plank road, and to construct thereon, or on any part thereof, their plank road, with all necessary fixtures and appurtenances: *Provided*, The consent of the supervisor, highway commissioner or commissioners, or a majority of them, and township clerk of each town through which such road passes, shall be first obtained; and such company, during the construction of such plank road, shall in no wise unnecessarily obstruct or prevent travel on such highway.

Sec. 28. Every plank road made by virtue of this act shall be laid

out at least two and not more than four rods wide, and shall be so constructed as to have at least sixteen feet width of good, smooth and permanent road, eight feet of which, at least, shall be made of plank not less than three inches thick, and of such grade as not to exceed an ascent or descent on any part of said road of more than one foot in twenty feet; and which road-way shall be so constructed as to permit carriages and other vehicles conveniently and easily to pass each other, and also to permit carriages readily and easily to pass on and off such road where it is intersected by other roads; and no obstruction shall be suffered unnecessarily to remain upon such plank road at any such intersection.

Mode of construction.

Sec. 29. Whenever any plank road company shall have completed their road, or any five consecutive miles thereof, the said company may erect toll-gates and demand and receive tolls from persons traveling on their road for so much as may be completed consecutively, at a rate not exceeding two cents per mile for any vehicle or carriage drawn by two animals, and one cent per mile for every sled or sleigh so drawn; and if drawn by more than two animals, three quarters of a cent per mile for every additional animal; for any vehicle, sled, sleigh or carriage drawn by one animal, one cent per mile; for every score of sheep or swine, half of one cent per mile; for every score of neat cattle, two cents per mile; for every horse and rider or led horse, one cent per mile. Such toll-gates, to be erected by such company, may be as many in number and located at such points as such company may deem necessary. Any person using such road may, upon the payment of the requisite amount of toll, demand and receive at any gate, a ticket or other evidence that he has paid the toll for the use of the whole or a part of said road, which ticket may be shown by him at each gate through which it may entitle him to pass, and shall be surrendered by him to the toll-gatherer through whose gate he is last entitled to pass.

Rate of toll.

Sec. 30. No tolls shall be collected at any gate of any company incorporated under this act from any person passing to or from public worship on the Sabbath, or to or from a funeral, or farmers going to and from their work on their farms; and any person who shall make a false representation to any gate-keeper for the purpose of passing said gate without toll, under the exemption in this section pro-

Exemptions

vided, and shall thereby induce such gate-keeper to let him pass such gate with an animal or vehicle, without the payment of toll, shall be liable to pay to such company ten times the amount of toll for which such person would otherwise have been chargeable.

Court may
change lo-
cation of
gates.

Sec. 31. The supervisor of any township, the mayor of any incorporated city, and the president of any incorporated village, in which a toll-gate may be located on any such road, whenever he shall be of opinion that the location of such gate is unjust to the public interest, by reason of the proximity of diverging roads, or for other reasons, may, on at least fifteen days written notice to the president or secretary of said company, apply to the circuit court of the county in which such gate is located, for an order to alter or change the location of the said gate; the court, on such application, and on hearing the respective parties, and on viewing the premises, if the said court shall deem such view necessary, shall make such order in the matter as to the said court may seem just and proper. Such order shall be observed by the respective parties, and may be enforced by attachment or otherwise, as said court shall direct; and the decision of said court shall be final in the matter; and said court may direct the payment of costs in the premises as shall be deemed just and equitable.

Payments
and forfeit-
ure of stock.

Sec. 32. The directors of any company incorporated under this act, may require payment of the sums subscribed to the capital stock at such times and in such proportions and on such conditions as they shall see fit, under the penalty of the forfeiture of the stock, and all previous payments thereon, if payment shall not be made by the stockholders within sixty days after a personal notice, or notice requiring such payment shall have been published for six successive weeks in a newspaper published in every county in which any part of said road is situated, if any so published, and they shall give notice of the payments thus required, and of the place and time where and when the same are to be made, at least thirty days previous to the payment of the same, in one newspaper printed in each county in or through which the said road is located, or by sending such notice to each stockholder by mail, directed to him at his usual place of residence.

Sec. 33. The shares of any company formed under this act, shall

be deemed personal property, and may be transferred as shall be prescribed by the by-laws of such company; the directors of any such company may at any time receive subscriptions to stock in said company, till the whole amount of the stock mentioned in their articles of association shall be subscribed, and with the consent of a majority in amount of stock of the stockholders in such company, provide for such increase of the capital stock of such company as may be necessary to finish the making of a road actually commenced and partly constructed.

Shares deemed personal property.

Increase of capital.

Sec. 34. Within thirty days after the formation of any company under this act, the directors thereof shall designate some place within a county in which their road or some part thereof is to be constructed, as the office of such company, and shall give public notice thereof, by publishing in some newspaper published in such county, if there be one; if not, then in a newspaper published in the city of Detroit; which publication shall be continued once in each week for three successive weeks, and shall file a copy of such notice in the office of the register of deeds of every county in which any part of such road is constructed or intended to be constructed; and if the place of such office shall be changed, like notice of such change shall be published and filed as aforesaid, before it shall take place; in which notice the time of making the change shall be specified; and every summons, notice, declaration, other paper or process required by law to be served, by leaving the same at such office, with any person having charge thereof, at any time, except Sunday and the fourth day of July.

Notice of location of office to be given.

Sec. 35. It shall be the duty of the directors of any such company to cause a book to be kept by the secretary, treasurer or clerk thereof, containing the names of all persons, alphabetically arranged, who are or shall have been within six years stockholders of such company, and showing their places of residence, the number of shares of stock held by them respectively, and the time when they respectively became the holders of such shares, and every transfer of such stock, and the amount of stock actually paid in; which book shall, during business hours, be open for the inspection of all persons who may desire to examine the same, at the office of such company; and any and every person shall have the right to make extracts from

List of stockholders' names to be kept and exhibited.

such book; and no transfer of stock shall be valid for any purpose whatever, except to render the person to whom it shall be transferred liable for the debts of the company, according to the provisions of this act, until it shall have been entered therein, as required by this section, by an entry showing to and from whom transferred. Such book shall be presumptive evidence of the facts therein stated, in favor of the plaintiff in any suit or proceeding against such company, or against any one or more stockholders. Every officer or agent of such company who shall neglect to make any such proper entry in such book, or shall refuse or neglect to exhibit the same or allow the same to be inspected, and extracts to be taken therefrom, as provided by this section, shall be deemed guilty of a misdemeanor, and the company shall forfeit and pay to the party injured a penalty of fifty dollars for every such neglect or refusal, and all damages resulting therefrom; and every company that shall neglect to keep such a book open for inspection as aforesaid, shall pay and forfeit the sum of fifty dollars for every day it shall so neglect, to be sued for and recovered in the name of the people of the State by the prosecuting attorney of the county in which the office of said company is located; and when so recovered, the amount shall be paid in equal portions to every county through which the road of such company is constructed.

Penalty for neglect.

Sec. 36. The stockholders of every company incorporated under this act, shall be jointly and severally liable in their individual capacity for all labor performed for such company; and shall also be liable for the payment of the debts of such company for an amount equal to the amount of stock they have severally subscribed or held in said company, to be recovered of the stockholder who is such when the debt is contracted, or of any subsequent stockholder.

Individual liability.

Sec. 37. If the directors of any company formed under this act shall declare or pay any dividend when the company is insolvent, or the payment of which would render it insolvent, or which would diminish the amount of its capital stock, they, and all stockholders who shall knowingly accept or receive such dividend, shall be jointly and severally individually liable for all the debts of such company then existing, and for all that shall be thereafter contracted, while they shall respectively continue stockholders or in office. If any certificate or report made, or public notice given by the officers of any such

Officers made individually liable in certain cases.

LAWS OF MICHIGA

company, in pursuance of the provisions of
ingly false in any material representation, all
have signed the same, knowing or having rea
to be false, shall be jointly and severally lia
the company then existing, or which shall be
are officers thereof, or stockholders therein; b
tors shall object to the declaring of any such
tioned in this section, or to the payment ther
time before the time fixed for such payment, fi
objection with the secretary of the company, a
clerk of the county in which the business offic
located, the director so objecting shall be exem
as above provided.

Sec. 38. But no suit shall be brought against
holder or stockholders for any debt of such con
the last two preceding sections, until judgment
have been obtained against the company, and
turned unsatisfied in whole or in part, or until the
been dissolved; and any stockholder who may h
such company, either voluntarily or by comp
right to sue and recover of such company the f
with interest, costs and expenses; and any su
may have paid as aforesaid, shall have a right
against and recover of the rest of the stockholders
of them, the due proportion thereof which such st
holders ought to pay; and if such action for co
brought against more than one stockholder, the
execution thereon shall specify the amount to be
lected from each defendant: *Provided*, That no
tion shall be maintained by any officer of such
amount he may have been compelled to pay in co
false certificate, report or notice made or signed
said.

Sec. 39. On or before the first Monday of Jant
it shall be the duty of the directors of every com
der this act, to report to the Secretary of State, und
such directors, the length of road completed, the co

their road, the amount of all moneys expended, the amount of their capital, how much of the same is paid in, and how much is expended, the whole amount of tolls or earnings expended on such road, the amount received during the previous year for tolls and from all other sources, stating each separately, the amount of dividends made, the amount set apart for repairs, and the amount of indebtedness of such company, specifying the object for which the indebtedness accrued.

Annual tax. Sec. 40. Each and every plank road company formed under this act, shall pay to the Treasurer of the State of Michigan an annual tax at the rate of one per cent on the whole amount of capital paid in upon the capital stock of such company; which said tax shall be estimated upon the last preceding report of said company, and shall be paid to said Treasurer on the first Monday of July in each year, and shall be in lieu of all other taxes upon all the property of said company.

Penalty for over charges Sec. 41. Every toll-gatherer at any such gate who shall unreasonably hinder or delay any traveler or passenger, or shall demand or receive from any person more toll than by law he is authorized to collect, shall, for each offence, forfeit the sum of five dollars to the party aggrieved, and shall be liable to the party aggrieved for all damages.

Collection of penalty. Sec. 42. Whenever a judgment is obtained against a toll-gatherer for a penalty, or for damages for acts done or omitted to be done by him, in his capacity of toll-gatherer, and goods and chattels of the defendant to satisfy such judgment cannot be found, it shall be paid by the corporation whose officer he shall be; and if on demand payment be refused by the corporation, the amount of such judgment, with costs, may be recovered of such corporation.

Post list of rates. Sec. 43. It shall be the duty of the directors of every such company to affix and keep up at or over each gate, where it can be conveniently read, a printed list of the rates of toll demanded at such gate.

Pay before passing. Sec. 44. Each toll-gatherer may detain and prevent from passing through his gate, all persons, riding, leading or driving animals or carriages subject to toll, until they shall have paid respectively the tolls authorized by law.

Sec. 45. Any such corporation shall be liable for all damages that may be sustained by any person or person, to themselves or property, in consequence of neglect or omission to keep such road in good condition or repair; and if such company shall continue to take toll for passing over that portion of their road which may be out of repair, so as to make the passage of teams or vehicles inconvenient or dangerous, for six days at any one time, they shall pay therefor a penalty of fifty dollars, which may be sued for and recovered by the prosecuting attorney of the county in which such portion of their road may be situated, on complaint on oath of any person, to be paid when collected to the treasurer of such county, for the benefit of township libraries in such county: *Provided*, That the counties of the upper peninsula be excepted from the provisions of this section.

Damages
not keep
road in
repair

Sec. 46. If any person shall wilfully obstruct, break, injure or destroy any road constructed under the provisions of this act, or any work, building, fixtures or toll-gates attached to or in use upon the same, belonging to said company, such person so offending shall, for every such offence, be deemed guilty of a misdemeanor, and shall be punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not more than one year.

Penalty for
injuring
road.

Sec. 47. Any person who shall forcibly or fraudulently pass any toll-gate erected on such road in pursuance of this act, without having paid the legal toll, and any person who, to avoid the payment of legal toll, shall, with his carriage or horse, or other vehicle or animal subject to toll, turn out of such road or pass any gate thereon on any ground adjacent thereto, and enter again on such road, shall for each offence be liable to a fine not exceeding ten dollars, to be sued for and recovered by such company.

Fine for
fraudulent
using road.

Sec. 48. Every company incorporated under this act shall cease to be a body corporate,

Corporat'n.
how dis-
solved.

First: If within two years from the filing of their articles of association, they shall not have commenced the construction of their road and actually expended thereon at least ten per cent of the capital stock of such company; and,

Second: If, within ten years from such filing of the articles of association, such road shall not be completed according to the provisions of this act.

Affairs sub-
ject to legis-
lative exam-
ination.

Sec. 49. All companies formed under this act, shall at all times be subject to visitation and examination by the Legislature, or a committee appointed by either House thereof, or by any agent or officer in pursuance of law; and the courts of this State shall have the same jurisdiction over such corporation and their officers, as over those created by special acts.

Amendment
or repeal.

Sec. 50. The Legislature may at any time alter, amend or repeal this act; but such alteration or amendment shall not operate as an alteration or amendment of the corporate rights of companies formed under it, unless especially named in the act so altering or amending this act: and the Legislature may annul or repeal any corporation formed or created under this act; but such alteration, amendment, annulling or repealing, shall not, nor shall the dissolution of any such company, take away or impair any remedy given for or against any such corporation, its stockholders or officers, for any liability which shall have been previously incurred.

Corpora-
tions now
organised
may form
under this
act.

Sec. 51. Any plank road company heretofore incorporated; may be formed into a corporation under this act, by a vote of the stockholders, at any legal meeting thereof, by filing with the Secretary of State a certificate of the directors of such company, verified by the oath of such directors, setting forth all the matters required in this [the] certificate provided for in the first and second sections of this act, and subject to the conditions mentioned in section three of this act; such certificate shall also set forth the amount of capital stock subscribed, the amount paid in, the amount thereof expended on its road, and the length of road constructed, if any. But no such existing corporation wishing to organize under this act, shall be required to open books of subscription to its capital stock, if, under its former act of incorporation, its stock to the amount of at least two hundred dollars per mile of its road shall have been in good faith subscribed, and five per cent paid thereon; and every such company which shall so organize under this act, shall remain liable for all the debts, contracts and obligations, and shall preserve all the property, rights of property, and contracts to which it was liable, and to which it would have been entitled under its original act of incorporation; but in all

other respects, such organization under this act shall operate as a surrender of its former act of incorporation.

Sec. 52. This act shall take effect immediately.

Approved April 8, 1851.

[No. 156.]

AN ACT to define the powers and duties of the boards of supervisors of the several counties, and to confer upon them certain local, administrative and legislative powers.

Section 1. *The People of the State of Michigan enact*, That the supervisors of the several townships and cities in each of the counties in this State, shall meet annually in their respective counties for the transaction of business as a board of supervisors; they may also hold special meetings when necessary, at such times and places as they may find convenient, and shall have power to adjourn from time to time, as they may deem necessary. The annual meetings of the board of supervisors shall be held on the second Monday of October in each year, at the court house in their respective counties, if there be one, and if there be none, then at some place at the county seat, if there be one, and if no county seat be established, then at such place in the county as the clerk of such county may appoint, of which such clerk shall give three weeks' public notice, by publishing the same in some newspaper printed in said county, if any, and if none, then in the paper nearest thereto.

Sec. 2. The alderman of each ward of the city of Detroit, having the shortest time to serve, shall act as supervisor on the board of supervisors; the city of Monroe shall be entitled to one supervisor for each ward, who shall be the assessor thereof respectively, and the city of Grand Rapids shall be entitled to two supervisors.

Sec. 3. A majority of the supervisors of any county shall constitute a quorum for the transaction of the ordinary business of the county; and all questions which shall arise at their meetings shall be determined by the votes of a majority of the supervisors present, except upon the final passage or adoption of any measure or resolution, in which case a majority of all the members elect shall be necessary. They shall sit with open doors, and all persons may attend their

Duties. meetings. They shall at their first meeting in each year choose one of their number as chairman, who shall preside at all meetings of the board during the year, if present; but in case of his absence from any meeting, the members present shall choose one of their number as a temporary chairman. Every chairman shall have power to administer an oath to any person concerning any matter submitted to the board or connected with the discharge of their duties, to issue subpoenas for witnesses, and to compel their attendance in the same manner as courts of law.

Powers.

Clerk; his compensation and duties.

Sec. 4. The county clerk of each county, or in his absence, his deputy, shall be the clerk of the board of supervisors of such county, and shall be allowed for his services as such clerk a reasonable compensation, to be fixed by the board and to be paid by the county. It shall be the duty of such clerk,

1st. To record all the proceedings of such board in a book provided for that purpose.

2d. To make regular entries of all their resolutions and decisions upon all questions.

3d. To record the vote of each supervisor on any question submitted to the board, if required by any member present.

4th. To preserve and file all accounts acted upon by the board.

5th. To certify, under the seal of the circuit court of his county, without charge, copies of any and all resolutions or decisions on any of the proceedings of such board, when required by such board, or any member thereof, or when required by any other person, upon payment of six cents per folio therefor; and such certificate shall be prima facie evidence of the matters therein set forth.

6th. To perform such other and further duties as such board may by resolution require.

Records. Sec. 5. The books, records and accounts of the board of supervisors shall be deposited with their clerk; and shall be open without any charge to the examination of all persons. It shall be the duty of the clerk to designate upon every account upon which any sum shall be audited and allowed by the board, the amount so audited and allowed, and the charges for which the same was allowed.

Sec. 6. It shall be the duty of every such board of supervisors, as often as once in each year, to examine the accounts of the treasurer

of their county, and to ascertain and enter upon their records a full ^{Treasurer's account.} statement of such account.

Sec. 7. It shall be the duty of such board, as often as shall be necessary, to cause the court house, jail, and public offices of their county to be duly repaired at the expense of such county; but the ^{Repairs of public buildings.} sums expended in such repairs shall not exceed five hundred dollars in any one year, unless authorized by a vote of the electors of such county, as hereinafter provided.

Sec. 8. They shall also cause to be prepared within the jails of ^{Cells for convicts.} their respective counties, at the expense of such counties, so many cells for the reception of convicts, as they may deem necessary.

Sec. 9. They shall cause to be made out and published yearly, ^{Annual report.} immediately after their annual meeting, in at least one newspaper, if there be one published in the county, if not, in some paper published nearest thereto, a report of the receipts and expenditures, which shall contain a statement of the names of each claimant, the amount claimed, and the amount allowed, of the year next preceding the accounts allowed, and a full statement of the amounts of the treasurer's account on the last settlement, as on his balance sheet or account current in making the settlement.

Sec. 10. A special meeting of the board of supervisors of any county shall be held only when requested by at least one-third of the ^{Special meetings.} supervisors of such county; which request shall be in writing, addressed to the county clerk, and specifying the time and place of such meeting; and upon the reception of such request, the clerk shall immediately give notice in writing to each of the supervisors, by causing the same to be delivered to such supervisors personally, or by leaving the same at the place of residence of such supervisor, at least six days before the time of such meeting.

Sec. 11. The said several boards of supervisors shall have power, ^{Powers of board.} and they are hereby authorized, at any meeting thereof lawfully held,

1st. To purchase for the use of the county any real estate necessary for the erection of buildings for the support of the poor of such county, and for a farm to be used in connection therewith.

2d. To purchase any real estate necessary for the site of any court

Powers of
board.

house, jail, clerk's office, or any other public county buildings in such county.

3d. To fix upon and determine the site of any such buildings, if not previously located.

4th. To authorize the sale or leasing of any real estate belonging to such county, and to prescribe the mode in which any conveyance thereof shall be executed.

5th. To remove or designate a new site for any county buildings required to be at the county seats, when such removal shall not exceed the limits of the village or city at which the county seat is situated as previously located.

6th. To cause to be erected the necessary buildings for poor houses, jails, clerk's offices, and other county buildings, and to prescribe the time and manner of erecting the same.

7th. To borrow or raise by tax, upon such county, any sum of money necessary for any of the purposes mentioned in this act: *Provided*, That no greater sum than one thousand dollars shall be borrowed or raised by tax in any one year, for the purpose of constructing or repairing public buildings, highways or bridges, unless authorized by a majority of the electors of such county voting therefor, as hereinafter provided.

8th. To provide for the payment of any loan made by them, by tax upon such county, which shall in all cases be within fifteen years from the date of such loan.

9th. To prescribe and fix the compensation for all services rendered for, and adjust all claims against their respective counties; and the sums so fixed and defined shall be subject to no appeal.

10th. To direct and provide for the raising of any money which may be necessary to defray the current expenses and charges of said county, and the necessary charges incident to, or arising from, the execution of their lawful authority, subject to the limitations prescribed in this act.

11th. To abolish, but not revive the distinctions between township and county poor.

12th. To extend and determine by resolution the time when each collector or township treasurer in their county shall make his return to the county treasurer; but such time shall in no case exceed one

month from the time fixed by the general law; and in all cases, interest shall be charged on all taxes so extended for the time of such extension. Powers. of
board.

13th. To make such laws and regulations as they may deem necessary, and provide for enforcing the same, for the destruction of wild beasts, of thistles and other noxious weeds, within the several counties.

14th. To require any county officer, whose salary or compensation is paid by the county, to make a report under oath, to them, on any subject or matters connected with the duties of their offices, and to require any such officer to give such bonds, or further or additional bonds, as shall be reasonable or necessary, for the faithful performance of their respective duties; and any such officer who shall neglect or refuse to make such report, or to give such bond, within a reasonable time after being so required, may be removed from office by such board, by a vote of two-thirds of the members elect, and the office declared vacant; and such board may fill such vacancy for the unexpired portion of the time for which such officer was elected or appointed: *Provided*, That if the spring or fall election shall occur before the expiration of the said unexpired term, if the office be an elective one, the vacancy shall be filled at such election, and it shall be the duty of said board to give reasonable notice of such election to fill the vacancy.

15th. To authorize any township or townships in their respective counties, by a vote of the electors of such township or townships, to borrow or raise by tax upon such township, any sum of money not exceeding one thousand dollars in any one township in any one year, to build or repair any roads or bridges in such township or townships, or in the use of which such township or townships may be interested; and to prescribe the time for the payment of any such loan, which shall be within ten years, and for assessing the principal and interest thereof upon such township or townships; and if any road or bridge is situated partly in one township and partly in another, or on the line between townships, or in case any township have any particular local interest in the construction or repair of any bridge, such board of supervisors may determine, under such regulations as they may establish, the relative proportion which each

township shall contribute in the building or repairing thereof; and the amounts so apportioned to the several townships shall be assessed and collected in the same manner as other township taxes are now assessed and collected by law.

16th. To represent their respective counties, and to have the care and management of the property and business of the county, in all cases where no other provision shall be made.

17th. To establish such rules and regulations in reference to the management of the interests and business concerns of such county, and in reference to the mode of proceedings before such board, as they shall deem necessary and proper, in all matters not specially provided for in this act, or in some other law of this State.

Sec. 12. None of the powers mentioned in the third, fifth, sixth, eleventh, twelfth, thirteenth, fifteenth and sixteenth subdivisions of the last preceding section, shall be exercised without a vote of two-thirds of all the members elected to such board.

When two-thirds vote required.

Sec. 13. The said respective boards of supervisors in each county entitled to more than one representative in the State Legislature, shall have power, and it shall be their duty, at their annual meeting in the year eighteen hundred and fifty-one, and at their annual meeting next after each subsequent apportionment of such representatives by the Legislature, to divide their respective counties into representative districts, equal in number to the number of representatives to which such county is entitled by law, in accordance with section three of article four of the constitution of this State; and they shall cause to be filed in the office of the Secretary of State, and in the office of the clerk of such county, within thirty days after such division, a description of such representative districts, specifying the number of each district and the population thereof, according to the last preceding enumeration.

Division of county into representative districts.

Sec. 14. Such boards of supervisors shall have power within their respective counties, by a vote of two-thirds of all the members elected, to erect and provide for the organization of new townships, in the manner hereinafter prescribed. Upon application to the board, as hereinafter provided, (of at least twelve freeholders of any territory not in any organized township, where the application is to erect such unorganized territory into a new township,) and upon being fur-

New townships.

nished with a map and survey; and if the application be granted, a copy of such map, with a certified statement of the action of such board thereto annexed, shall be filed in the office of the clerk of such county, and a duplicate thereof in the office of the Secretary of State; and it shall be the duty of the Secretary of State to cause the same to be published with the laws of the next Legislature, after the filing thereof, in the same manner as other laws are published.

Sec. 15. Notice in writing of such intended application, subscribed by not less than twelve freeholders of the unorganized territory proposed to be erected into a township, shall be posted in five of the most public places in the unorganized territory proposed to be organized into a township, for four weeks next previous to such application to the board of supervisors; and a copy of such notice shall also be published once in each week for four successive weeks, in some newspaper printed in the county, if any published therein, immediately preceding the meeting of the board at which such application is to be made.

Notice of application to be posted.

Sec. 16. Whenever the board of supervisors shall erect a new township in any county, they shall designate the name thereof, the time and place of holding the first annual township meeting therein, and three electors of such township, whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting. And in case any of the three electors above mentioned shall refuse or neglect to serve, the electors of said township present at such meeting shall have power to substitute some other elector of such township for each one so neglecting or refusing to serve. Notice of the time and place of such meeting, signed by the chairman or clerk of the board of supervisors, shall be posted in four of the most public places in such new township, by the persons so designated to preside at such meeting, or by some person appointed by such board of supervisors for that purpose, and in each of the townships whose boundaries may have been altered by the erection of such new township, at least fourteen days before holding the same. They shall also fix the place for holding the first township meetings in the town or towns from which such new township shall be taken, which shall also be stated in the notice posted in such last named

Organization of new townships.

township; but nothing in this act shall affect the rights or abridge or enlarge the term of office of any justice of the peace or other town officers in any such township; but such justice of the peace or other township officer residing within the limits of such new township, shall continue to be such justice or other officer in such new township, till the expiration of the time for which he was elected, in the same manner as if originally elected therein; and the terms of office of the supervisor, township clerk, commissioners of highways, township treasurer, school inspectors, constables and overseers of highways, elected at such first township meeting, shall expire on the first Monday of April thereafter, or as soon thereafter as their successors are elected and qualified.

Removal of
county seat.

Sec. 17. Whenever a county seat is proposed to be removed, the board of supervisors for such county shall have power, by a vote of two-thirds of all the members elect, to designate a place to which such proposed removal is to be made, and after a majority of the electors of such county voting thereon shall have voted in favor of the proposed location, as hereinafter provided, to make and establish such county seat.

Proposition
submitted
to the peo-
ple.

Sec. 18. Whenever such board shall have designated the place of such proposed removal, as provided in the next preceding section, they shall also provide for submitting such proposition at the next township meeting to the vote of the electors of such county; and they shall thereupon cause notices thereof to be posted up in three of the most public places in each township of such county, for at least thirty days previous to the time fixed for such vote, and shall cause the same to be published in one newspaper printed in the county, if any, and if none in the county, then in the paper published nearest thereto, for at least three successive weeks previous to such vote, setting forth that such proposed location has been designated by two-thirds of such board, and stating the day when the proposition will be submitted to the electors of the county in their several townships.

Manner of
voting on
proposition.

Sec. 19. At the time specified in such notices, a vote of the electors of such county shall be taken in each of the townships in such county, at the place designated for the next township meeting. The inspectors receiving the votes shall be the same as required at the annual township meeting, and the votes shall be canvassed by the same

officers and in the same manner as required at such annual meeting; and the result of such vote shall be certified by them and transmitted to the county clerk within ten days after such vote shall be taken; which certified statements shall be delivered by such clerk to the board of supervisors at their next meeting. All voting in the several townships, as provided in this section, shall be by ballot, and those voting in favor of such proposed location shall have written or printed on their ballots, "For the removal of the county seat;" and those voting against such proposed location shall have written or printed on their ballots, "Against removal of the county seat."

Sec. 20. Whenever it shall become necessary, under the provisions of this act, to submit to a vote of the electors of any county the question of raising any sum of money by loan or by tax, the said board, after having determined the sum necessary to be raised, whether the same shall be made by loan or by tax, shall proceed to give the notice of such determination, and of the time when the question will be submitted to the electors of such county in the several townships; which notice shall be for the same length of time and posted in the same manner as required by the eighteenth section of this act; and the votes shall be taken, canvassed, certified and returned in the same manner as required by the nineteenth section of this act, except that those voting for such tax or loan shall have written or printed on their ballots the words "for the tax," or "for the loan," as the case may be; and those voting against the tax or loan, shall have written or printed on their ballots the words "against the tax," or "against the loan," as the case may be.

Mode of submitting loan or tax to a vote of the people.

Sec. 21. Every such board of supervisors shall have power, within their respective counties, to permit or prohibit the construction or maintainance of any dam or bridge, over or across any navigable stream.

Dams and bridges.

Sec. 22. Whenever any person or persons, or any incorporation shall wish to construct a dam across any such stream as is mentioned in the preceding section, such person or persons, or corporation, shall present to the board of supervisors, or file with their clerk, to be presented to them at their next meeting, a petition praying for leave to construct such dam, and setting forth the purpose, location, height and description of such dam, and whether it is proposed to

Ibid.

Dams and
bridges

construct a lock or chute or apron, and of what description, for the passage of boats, vessels, rafts or timber; and before the same shall be heard and determined by such board, it shall be made to appear to the board that notice of such application, signed by the petitioners, and stating substantially the contents of such petition, has been posted up in three of the most public places in each township through which such stream runs, at least three weeks previous to the hearing of such application, and published in some newspaper printed in such county, if any published therein. And on such hearing any person or persons shall be heard in favor of and in opposition to the prayer of the petition; and such board may adjourn such hearing to any other time or place; and they may grant or refuse the prayer of such petition. And the determination shall be entered at length upon the record of said board. And if such board shall allow the said dam to be constructed, the petitioners shall be at liberty to construct the same by complying fully with the terms and conditions set forth in their petition; and after having obtained such right, and constructed such dam, such petitioners, their heirs, successors or assigns, may, if such dam be destroyed or decayed, construct a new dam, subject to all the same terms and conditions, on the same site, without again applying to such board: *Provided*, That nothing in this act contained shall be construed as giving to such board of supervisors any power to grant the right to any person or persons or corporation, to flow, or in any manner to take or injure the lands of any person or persons, by or in consequence of constructing such dam.

Ibid.

Sec. 23. Whenever any person or persons, township officers or corporation, shall wish to construct any bridge across any stream at a point where the same is navigable for boats or vessels of fifteen tons burden or more, they shall apply to the board of supervisors by petition, and shall give notice of the same, in like manner, as near as may be, as provided in section twenty-two of this act; and the powers, and the mode of proceeding of such board, shall be the same, as near as may be, as provided in the last named section. Every such petition shall set forth the kind and description of the bridge proposed to be constructed, and whether the same is to be constructed with a draw, or whether any and what provision is to be made for the passage of vessels or boats; and such board shall have the power to grant or

refuse the prayer of such petition, upon such
deem just and reasonable, and to prescribe
bridge may be constructed, or to prohibit the
bridge on the proposed location, as in their ju
terest shall require.

Sec. 24. Every such board of supervisors sh
general rules and regulations as to the kind of
of constructing the same over any such stream
tion twenty-one of this act, when such stream
for boats or vessels of fifteen tons burden, or t
building the same, without the notice or heari
such manner as shall be judged proper with re
of boats, rafts and timber.

Sec. 25. That the board of supervisors of
within this State, are hereby authorized and ex
be laid out, established, altered, discontinued or
territorial roads heretofore or now laid out, o
through or within their respective counties,
deem it for the interest of the public.

Sec. 26. Whenever the board of supervisors
tioned to by at least twelve freeholders of es
through which any such road or roads may
such petition, authorize the commissioners of hi
ships to cause the line of said road or roads, w
townships, to be surveyed and located therein, s
ers shall report such survey and location to the
of their county; and upon examination of sai
said board may declare such road or roads du
discontinued, opened or altered, as the case ma

Sec. 27. Whenever said road or roads shall
altered or established under the provisions of t
duty of the board of supervisors to whom suc
may have been made as aforesaid, to notify and
sioners of highways of the several townships thr
or roads may pass, to furnish to the several to
townships the minutes of all surveys within t

ships, and the same shall be recorded by said clerks in the same manner that township roads are recorded.

Damages. Sec. 28. Any person feeling himself aggrieved by the laying out, altering, discontinuing or opening of any road or roads, may have his damages appraised, and obtain the same in the same manner and under the restrictions made and provided relative to township roads.

Records. Sec. 29. Every order, resolution and determination of such board of supervisors, made in pursuance of this act, shall be recorded in the records of such board, and signed by the chairman and clerk of such board.

Compensation. Sec. 30. Each member of such board of supervisors shall be allowed a compensation of one dollar and fifty cents per day for his services and expenses in attending the meeting of such board; and six cents for each mile traveled in going to and returning from the place of such meeting, to be audited by the board and paid by the county.

Forfeiture for neglect of duties. Sec. 31. If any supervisor shall neglect or refuse to perform any of the duties which are or shall be required of him by law, as a member of the board of supervisors, without just cause therefor, he shall for each offence forfeit one hundred dollars.

Sec. 32. Nothing in this act contained shall abridge the powers or duties of any board of supervisors, which they now or hereafter may possess under any other law of this State, and which are not provided for in this act.

Repeal. Sec. 33. All that part of chapter fourteen, title three of the revised statutes of eighteen hundred and forty-six, from and including section one to and including section twenty-six, is hereby repealed: *Provided*, That such repeal shall not affect any act done, or any right accruing or accrued.

Sec. 34. This act shall take effect immediately.

Approved April 8, 1851.

[No. 157.]

AN ACT to define the limits, jurisdiction and powers of Circuit Courts.

Section 1. *The People of the State of Michigan enact, That the*

the first, second, third, fourth, fifth, sixth, seventh and eighth circuits, respectively, and to be composed as follows:

1. The first, of the counties of Monroe, Lenawee and Hillsdale;
2. The second, of the counties of Branch, St. Joseph, Cass and Berrien. Division of.
3. The third, of the county of Wayne;
4. The fourth, of the counties of Washtenaw, Jackson and Ingham;
5. The fifth, of the counties of Calhoun, Kalamazoo, Allegan, Eaton and Van Buren;
6. The sixth, of the counties of St. Clair, Macomb, Oakland and Sanilac;
7. The seventh, of the counties of Lapeer, Genesee, Saginaw, Shiawassee, Livingston, Tuscola and Midland.
8. The eighth, of the counties of Barry, Kent, Ottawa, Ionia, Clinton and Montcalm.

Sec. 2. The circuit judges of the several circuits respectively, shall annually hold two terms of the circuit court in each of the counties included within their respective circuits; and in counties containing ten thousand inhabitants or upwards, four terms of said court shall be held in each year. Terms of court.

Sec. 3. Each of the circuit judges shall, on or before the first day of November next, and every two years thereafter, fix and appoint the times of holding the several terms within his circuit, for the period of two years; which appointments, when so made, shall continue unalterable for two years thereafter; and he shall immediately transmit to the clerk of each county within his circuit, a notice of the appointment of terms so made by him; and it shall be the duty of such clerk to file and preserve such notice. And said judge shall cause a copy of such notice to be published in two newspapers within his circuit once in each week for five successive weeks, and the last publication thereof shall be at least three weeks before the holding of any term in pursuance thereof; and the expense of such publication shall be paid out of the State treasury upon the warrant of the Auditor General. Judges to appoint terms.
Publish number.

Sec. 4. If the circuit judge of the proper circuit shall fail to at-

Duty of sheriff in case of non-attendance of judge.

tend at any place where a term of the circuit court shall have been appointed to be held, by noon on the first day of said term; the sheriff or clerk of the county shall, on the first and second days of said term, open the court by proclamation, at noon on the first day, and nine o'clock in the morning of the second day, adjourning the same at six o'clock in the afternoon of both days; and if the said judge shall attend said court at any time before six o'clock in the afternoon of the second day, the business of the term shall be proceeded with; but if said judge shall fail so to attend before the hour last aforesaid, the said sheriff or clerk shall adjourn said court without day; but no business shall be done in the absence of the judge; and the clerk shall note the facts in the journal of the court.

Continuance of causes.

Sec. 5. All causes and matters, of whatsoever name or kind, pending at any term of any circuit court, which shall not have been held from the absence of the circuit judge, shall stand continued till the next term; and all persons bound by recognizance or otherwise to appear at any such court, either as witnesses or parties to any proceedings cognizable therein, shall be bound to appear at the next term of the circuit court appointed to be held in the county; and all such recognizances shall continue in force and be as binding and obligatory on the parties thereto as if no failure of a term had occurred, unless a new recognizance, approved according to law, shall be entered into for such appearance.

Place of holding court.

Sec. 6. The place of holding the terms of the several circuit courts in each county shall be the court house therein, if there be one, and if there be not, at such place within the county as the sheriff and county clerk shall order.

Special terms.

Sec. 7. Each circuit judge shall have power, whenever he may deem it necessary, to order a special term of a circuit court to be held in any county in his circuit, at such time as he shall think proper, and such order shall be published in some newspaper printed in the county where the court is to be held, at least thirty days before the commencement of the term; or if no newspaper be printed in the county, the circuit judge shall send a copy of such order to the sheriff of the county, who shall post up written notices of the contents of such order in three public places in the county, thirty days before the term; and the circuit judge shall notify the clerk of the county

ed the lawful number of grand and petit jurors for such term, unless the circuit judge shall otherwise direct; and the court, when so held, shall have and exercise the same powers and jurisdiction as at a general term.

Sec. 8. The said circuit courts, within and for their respective counties, shall have and exercise original and exclusive jurisdiction of all civil actions and remedies of whatever name or description, and of all prosecutions in the name of the people of this State, for crimes, misdemeanors, offences and penalties, except in cases where exclusive or concurrent jurisdiction shall be given to or possessed by some other court or tribunal, in virtue of some statutory provisions, or of the principles and usages of law, and shall have such appellate jurisdiction and powers as may be provided by law; and the said courts shall also have and exercise within and for their respective counties, all the powers usually possessed and exercised by courts of record at the common law and in equity, subject to such modifications as may be provided by the laws of this State, for the full exercise of the jurisdiction hereby conferred.

Sec. 9. The said circuit courts shall have power, and it shall be their duty, respectively, to hear and determine all such matters as may be lawfully brought into said courts; and the said courts shall from time to time make rules for regulating the practice of the said courts and conducting the business thereof, until the supreme court shall prepare and transmit to the said circuit courts a code of rules to be adopted and used therein; and when such rules shall have been so prepared and transmitted, they shall govern the practice and proceedings in the circuit courts, until altered by the supreme court, or by their authority.

Sec. 10. Each of the said courts, upon good cause shown, may change the venue in any cause pending therein, and direct the issue to be tried in the circuit courts of another county, and make all necessary rules and orders for the certifying and removing such cause, and all matters relating thereto, to the court in which such issue shall be ordered to be tried; and the court to which such cause shall be so removed, shall proceed to hear, try and determine the same; and execution may thereupon be had, in the same manner as if the same

had been originally prosecuted in their county, except that in all criminal cases where the defendant shall be convicted and be sentenced to imprisonment in a common jail, the court awarding the sentence shall have the authority to direct, and shall direct that the defendant be imprisoned in the common jail of the county in which the prosecution was commenced.

Submission
of cases by
agreement
of parties.

Sec. 11. Parties to any civil action pending in any circuit court, and parties to any question of difference which might be the subject of any civil action without bringing suit, may agree upon a case containing the facts of the matter in controversy, and submit the same to the court; and the court shall thereupon hear and determine the cause at any term thereof, and render judgment thereon as in other cases; but if such case be agreed upon without action, it must appear by affidavit that the controversy is real, and the proceeding in good faith, to determine the rights of the parties; and in such case no costs shall be given to either party; and if either party shall wish to have such cause, after judgment, removed to the supreme court for any error in the determination or judgment, the clerk of such circuit court shall certify such case agreed upon, and the judgment thereon, to the supreme court of the proper circuit; and the supreme court shall thereupon be possessed of the cause, and may give such judgment and with such costs as justice may require. And any case made after judgment in any circuit court, and agreed upon by the parties or settled by the court, may be removed to the supreme court in like manner, without a bill of exceptions or writ of error, and all questions arising upon any case certified as in this section provided, shall be open to argument and subject to the adjudication of the supreme court.

Appeal to
supreme
court.

Questions
reserved for
decision of
supreme
court.

Sec. 12. If in any civil cause or criminal prosecution in any circuit court, any question of law shall arise which, in the opinion of the circuit judge, should be reserved for the opinion of the supreme court, he shall report the case, so far as may be necessary to present such question of law, and transmit the same to the clerk of the supreme court nearest to the county where such cause or prosecution shall be pending, and the said clerk shall file the same in his office until the next term of the supreme court held within his county, when he shall present it to said court, or one of the judges thereof; and

LAWS OF MICHIGAN

the matter so reserved shall be heard and determined by the supreme court, as in other cases, and the opinion of the supreme court, together with such instructions as may seem proper, shall be certified to said circuit court; and until the decision of the supreme court shall have been so certified to said circuit court, the proceedings in the cause or prosecution shall be suspended.

Sec. 13. Any of the circuit judges may grant writs of habeas corpus or prohibition in vacation, on good cause shown, and on obtaining such writ giving such security by bond to the opposite party as to said judge may seem just. Any application for such writ may be made to any circuit judge, and if refused, application shall be made to any other circuit judge. If such subsequent application for such writ shall be refused, the same shall be absolutely void, and shall be revoked by the supreme court, upon due proof of the facts; and any subsequent application shall be guilty of a contempt, liable to fine or imprisonment, or both, in the discretion of the supreme court.

Sec. 14. Every circuit court shall have the power to make orders in any cause pending therein, which may be necessary for carrying into effect the jurisdiction vested in the court, and to give full effect to any judgment of such court, and to enforce any lawful order so made by attachment or contempt.

Sec. 15. In case of the inability, for any cause, of any judge of a special or general term of the circuit court in any county, any other circuit judge may do so, under such regulations as may be prescribed by the supreme court.

Sec. 16. Each of the clerks of said court shall keep a record of the proceedings of the court, under the direction of the judge presiding therein; and all entries therein shall be made by the clerk, from day to day, and shall be correct and necessary, and signed by the circuit judge.

Sec. 17. Before any cause shall be commenced in any circuit court, or brought therein by appeal, or on certiorari, or judgment by confession shall be entered, there shall be filed with the clerk of the county, for the use of the county clerk, a statement of the facts in each case; and in case either party to a

jury, he shall pay the further sum of three dollars; which sums shall be taxed in favor of the party paying the same, and recovering judgment.

• Clerk to pay
moneys to
county
treasurer.

Sec. 18. It shall be the duty of the several clerks of the circuit courts, and they are hereby required, within ten days after any term of their respective courts, to pay over to the county treasurer all moneys received for the fees in the last preceding section provided for, together with a statement, under their hands, respectively, of the cases in which such fees accrued, which statement shall be filed in the office of the county treasurer.

When to
take effect.

Sec. 19. This act shall take effect and be in force from and after the first day of January next, except section three, which shall take effect on the first day of October, eighteen hundred and fifty-one; and from and after said day all acts or parts of acts contravening the provisions of this act are repealed.

Approved April 8, 1851.

RESOLUTIONS.

[No. 1.]

JOINT RESOLUTIONS in relation to Indian claims.

Whereas, By the fifth article of the treaty made and concluded at the city of Washington, in the District of Columbia, on the 28th day of March, A. D. 1836, by and between Henry R. Schoolcraft, commissioner on the part of the United States, and the Ottawa and Chipewewa nations, by their chiefs and delegates, and as amended and ratified by the President, by and with the consent and advice of the Senate of the United States, there was set aside for said nations the sum of three hundred thousand dollars to pay such debts as they might justly owe, and the overplus, if any, to apply to such other use as they might think proper;

And Whereas, After their debts, up to the date of said treaty, had all been fully paid, there remained a large sum in the hands of the United States, which has never been paid over to said nations of Indians, but, together with the interest accumulated thereon, is still due;

And Whereas, Said nations are largely indebted to citizens of this State for debts contracted after said treaty, which they are desirous to pay and have made arrangements to liquidate, in accordance with the laws of this State, as shown by the revised statutes, which invests said Indians with equal judicial rights and privileges with other inhabitants; and

Whereas, Said arrangements contemplate the payment of said

RESOLUTIONS.

debts out of the surplus of said fund appropriated in said fifth article, as amended, and interest; Therefore,

Be it resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be and they are hereby requested to use all just and fair means to cause said money to be paid to said nations, as stipulated and provided for by the aforesaid amendment of the Senate of the United States to the said 5th article of said treaty, and to procure the same to be done by a resolution of the United States Senate, or otherwise, and at as early a day as practicable.

Resolved further, That the Governor be and he is hereby requested to transmit copies of these resolutions to each of our Senators and Representatives in Congress.

These Joint resolutions shall take effect and be in force from their passage.

Approved February 19, 1851.

[No. 2.]

PREAMBLE AND JOINT RESOLUTIONS relative to bounty land.

Whereas, By the construction the department of the interior of the United States have placed upon the bounty land act, passed at the last session of Congress, the officers of the regiment of volunteers from this State, who served in the late war with Mexico, are entitled to but eighty acres of land; and

Whereas, The said regiment was in the service of the United States but a few days less than nine months; Therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress, be requested to use all honorable means to secure the passage of an amendment to said bounty land act, securing to the officers of the first regiment of Michigan volunteers one hundred and sixty acres of land.

Resolved, That the Governor be requested to forward a copy of this preamble and resolutions to each of our Senators and Representatives in Congress.

Approved February 22, 1851.

RESOLUTIONS.

[No. 3.]

PREAMBLE AND JOINT RESOLUTION in relation to claims to land of Joseph Sansfacon and other.

Whereas, Joseph Sansfacon and others did, on the twentieth day of June, A. D. 1808, at Detroit, file their claims to certain lands in L'Ance Scrusse, bordering on Lake St. Clair, with Peter Andrain, register of the land office at Detroit, as appears on page 323, volume one, American State Papers on Public Lands;

And whereas, It also appears on page 323, volume one, American State Papers on Public Lands, that the board of commissioners then in session at Detroit, on the twentieth day of June, A. D. 1808, did confirm unto Joseph Sansfacon and others the amount of land by them claimed;

And whereas, From a re-survey of said lands, and as appears from the patents issued, it is ascertained that more than one-third less land is granted than was confirmed by the board of commissioners; Therefore,

Be it resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be and they are hereby requested to procure the appointment of the Commissioner of the State Land Office of the State of Michigan, or some other person or persons to investigate the claims set up by these claimants, and also to take into consideration such other claims as may be presented, of a similar nature.

Resolved, That the Governor be and he is hereby requested to transmit copies of these resolutions to each of our Senators and Representatives in Congress.

Approved February 22, 1851.

[No. 4.]

JOINT RESOLUTION relative to the appropriation of 25,000 acres of land to build a canal around the rapids of Grand river at Grand Rapids.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office be and he is hereby directed to reserve from sale, or from any other disposi-

RESOLUTIONS.

tion thereof, from and after the 20th day of February present, whatever portion of the 25,000 acres of internal improvement land, appropriated for the construction of a canal and locks around the rapids of Grand river at Grand Rapids, by act No. 19, of session laws of 1847, as have been heretofore selected and set apart for the purposes of said improvement, in pursuance of law, may yet remain undisposed of or yet undrawn from said land office, until further ordered by the legislature: and that the Secretary of State also be and he is hereby directed not to issue to any person patents for the above mentioned unsold or undrawn lands, or any portion thereof, nor for any lands for which certificates have been issued by the commissioner of the land office, until further ordered as aforesaid: and that the aforesaid commissioner of the State land office be directed not to sell or dispose of, to any person, or in any manner, such portion of the 1,600 acres of land, other than the original appropriation of 25,000 acres, which James Davis, the contractor for the construction of said canal, was authorized to select by preamble and joint resolution No. 36, of the session laws of 1849, yet remaining undrawn from said land office or unsold, or in any manner under the control of said commissioner.

Approved February 25, 1851.

[No. 5.]

JOINT RESOLUTION relative to the construction of a ship canal around the Falls of St. Marie.

Whereas, No region of country within the broad limits of our national domain, affords a subject of more interesting contemplation than that portion of the State of Michigan denominated the upper peninsula. With fisheries acknowledged by the most scientific men in the country to exceed in richness and their boundless resources even those of Newfoundland—with copper mines, the wealth of which astounds the world, and with iron mountains yielding a richer ore than has hitherto come to the knowledge of mankind; and

Whereas, The principles which have authorized and sanctioned numerous grants to the State, for turnpikes, canals and rail roads, through or leading to the public domain, designed to promote the

try, to develop new resources of public wealth, and to open new fields for enterprising labor, appear never to have been applied to this section of our country; and

Whereas, The general government, though repeatedly applied to for appropriations to build a ship canal around the falls of St. Marie, appear to have paid but little or no attention to such applications; and

Whereas, The construction of said ship canal would greatly advance the agricultural and commercial interests of the Western States, by opening a boundless field for the industry and enterprise of the citizens of seven States of this Union, who will have access to and may be immediately benefitted thereby, and which would afford facilities for opening the inexhaustable resources of the said fisheries, mines and minerals, yielding to the government an increased revenue thereby, and bringing into market for settlement the large quantity of farming lands in that section, as also the immense forests of pines which are becoming of great value, and would extend our ship and steamboat navigation by adding an extent of over sixteen hundred miles of navigable coast to that of the lower lakes; and

Whereas, The length of the work contemplated does not exceed three-fourths of a mile, and which could be completed at a cost not exceeding five hundred thousand dollars; and

Whereas, The construction of [said] ship canal is an important national work, therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be again requested to use all honorable means in obtaining appropriations of money by the general government to accomplish the object expressed in the foregoing preamble; and that the Governor of this State be requested to forward copies of the foregoing preamble and this resolution to the governors of the several States and to our Senators and Representatives in Congress, at the present session; and if not then acted upon by Congress, to each of our Senators and Representatives as aforesaid, at the commencement of the first session of the next Congress.

Approved March 3, 1851.

RESOLUTIONS.

[No. 6.]

JOINT RESOLUTIONS relative to moneys advanced by the State of Michigan, in behalf of the United States, and for the amount paid by the State for expenses incurred whilst a territory, in maintaining our territorial boundary.

Whereas, The State of Michigan, in behalf of the government of the United States, expended in fitting out the first regiment of Michigan volunteer infantry, in pursuance of a requisition made by the war department upon the Executive of this State, money now amounting to over seventeen thousand dollars; and

Whereas, The State has paid a large amount for expenses incurred whilst a territory, in maintaining our territorial boundary, as established by Congress, before its alteration by that body, in the act providing for our admission as a State; and

Whereas, The amount so paid and interest thereon, would certainly seem to be an equitable and just claim against the Federal treasury; therefore,

Resolved, by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be and they are hereby requested to use their influence to procure the passage of an act or joint resolution, by Congress, authorizing or requiring the proper officer of the treasury department to allow and pay to the State such money, expended as aforesaid.

And it is further resolved, That our Senators and Representatives in Congress be and they are hereby also requested to obtain, if possible, the submission to some proper officer or tribunal, of the claim of the State, for allowance for expenses incurred in maintaining our territorial boundary whilst a territory, under the protection of the United States as aforesaid.

Resolved, That the Executive be and he is hereby requested to cause copies of the foregoing preamble and resolutions to be furnished to each of our Senators and Representatives in Congress, at the present session; and if not then acted upon by Congress, to each of our Senators and Representatives as aforesaid, at the commencement of the first session of the next Congress.

Approved March 3, 1851.

[No. 7.]

JOINT RESOLUTION for the relief of Gardner Kellogg, M. S. Kellogg and Nelson H. Chittenden.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the Land Office be and he is hereby authorized to cancel and discharge a certain bond executed by Gardner Kellogg, M. S. Kellogg and Nelson H. Chittenden, and given to secure the payment of the principal and interest upon the purchase money upon the east half of the south west quarter of section sixteen, in township eight north of range seven east, being primary school land sold to the said Gardner Kellogg on the ninth day of March, 1844.

This joint resolution shall take effect immediately.

Approved March 24, 1851.

[No. 8.]

JOINT RESOLUTION authorizing the Auditor General to draw and deliver to John Snow a land warrant in place of certain warrants which have been lost.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Auditor General be and he is hereby authorized and required to deliver to John Snow a land warrant for internal improvement lands for the amount of one hundred dollars, in the place of three warrants which have been lost, amounting in all to the one hundred dollars aforesaid: *Provided,* That the said John Snow shall furnish proof, satisfactory to the Auditor General, of the loss of said warrants: *And provided further,* That the said John Snow shall give to the State of Michigan a good and sufficient bond, to be approved by the Auditor General, indemnifying the State against the payment of the said warrants heretofore issued and lost.

This joint resolution shall take effect immediately.

Approved April 2, 1851.

RESOLUTIONS.

[No. 9.]

JOINT RESOLUTION relating to certain primary school lands.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office be and he is hereby authorized and directed to restore to Francis Finnegan all the rights which have become forfeited in consequence of non-payment of interest on primary school lands in the township of Royalton, Berrien county, certificates numbered nineteen hundred and fifty-seven, and twenty hundred and forty-five: *Provided,* The said Finnegan shall, on or before the first day of October next, pay or cause to be paid to the said Commissioner all arrearages of principal and interest and penalties accruing on said land in consequence of neglect to pay the interest as prescribed by law.

This resolution shall take effect immediately.

Approved April 4, 1851.

[No. 10.]

JOINT RESOLUTION authorizing the Auditor General to draw certain warrants in place of warrants which have been lost, upon proof of such loss.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Auditor General be and he is hereby authorized and required to draw two warrants upon the internal improvement fund, to correspond in every respect with warrants numbered eight thousand three hundred and thirty-four and eight thousand and thirty-five, issued by the Auditor General, and deliver the same to A. and E. S. Higgins, of the city of New York, upon satisfactory proof to the Auditor General of the loss of said warrants: *And provided,* Said A. and E. S. Higgins, or some other persons on their behalf, shall first give to the State of Michigan a good and sufficient bond, to be approved by the Auditor General, indemnifying the State against the payment of the said warrants heretofore issued: *And provided,* Said warrants or either of them shall not have been paid.

This joint resolution shall take effect immediately.

Approved April 4, 1851.

[No. 13.]

JOINT RESOLUTION relative to the interest account between the State of Michigan and certain counties thereof.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Auditor General of this State be and he is hereby directed to cause a recomputation of the interest account to be made between the State and those counties which return or have returned heretofore an excess of delinquent taxes over and above their State tax, from the first day of July, in the year eighteen hundred and forty-three, to the first day of July, in the year eighteen hundred and fifty; and that the said Auditor General do cause to be credited to said counties, the difference between the sum total of interest due said counties upon the balance annually struck in their favor upon the basis of ten per cent, and the sum total of such interest upon the basis of seven per cent, as shown by such recomputation.

Approved April 7, 1851.

[No. 14.]

JOINT RESOLUTION relative to printing the revised constitution in the Dutch language.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Secretary of State be and is hereby instructed to cause the constitution of this State to be translated into the Dutch language, and 1,000 copies thereof in pamphlet form to be published, one page in Dutch and one page in English, and distributed among the Dutch portion of our population now seeking protection under the organic law of our State.

Approved April 7, 1851.

[No. 15.]

JOINT RESOLUTION relative to the Ottawa and Chippewa Indians.

Whereas, The constitution of the State of Michigan gives unto all civilized persons of Indian descent equal rights and privileges with the white inhabitants of said State;

And Whereas, By the adoption of said clause in the constitution, the people of this State have evinced a just and humane desire to see the Indians who now inhabit Michigan, raised from a state of semi-barbarism to one of enlightenment, and have by it removed one great barrier that has hitherto prevented the consummation of this philanthropic object;

And Whereas, The Ottawa and Chippewa Indians, residing amongst us, are a civil, well disposed, peaceable and orderly people, and have, during the few past years, made great advancement in the agricultural and mechanical arts, and a large portion of them ardently desire to remain in Michigan, to become civilized, and share with us in our social, political and religious privileges; therefore,

Be it resolved by the Senate and House of Representatives of the State of Michigan, That we do hereby request the government of the United States to make such arrangements for said Indians as they may desire, for their permanent location in the northern part of this State, under such provisions in regard to schools, churches, agricultural and mechanical arts, as will the best promote their present and future welfare, and adjust all matters of right and equity that may now be in dispute between said Indians and said government, in a spirit of just liberality.

Resolved further, That the Governor be and he is hereby requested to forward a copy of the foregoing preamble and joint resolution to the President of the United States, to the Hon. the Secretary of the Home Department, to the Hon. the Commissioner of Indian Affairs, and to each of our Senators and Representatives in Congress.

This joint resolution shall take effect immediately.

Approved April 7, 1851.

[No. 16.]

JOINT RESOLUTION relative to the distribution of the session laws, journals and documents of the Legislature, for the year eighteen hundred and fifty-one.

Resolved by the Senate and House of Representatives of the State of Michigan, That the officers and members of the present Legislature be and they are hereby entitled each to one copy of the session

laws passed in the year eighteen hundred and fifty-one, also the journals and documents of the Legislature of said year; and the Secretary of State be and is hereby required to forward one copy of each to the several officers and members of this Legislature, by forwarding the same to the county clerks of the several counties of this State in which the officers or members reside, so soon as the same may be printed, bound and ready for delivery.

Approved April 7, 1851.

[No. 17.]

JOINT RESOLUTION. Preamble and joint resolution relative to costs of a proceeding for the investigation of charges against J. R. Baker.

Whereas, The Governor of the State of Michigan did, in the year eighteen hundred and forty-nine, order and direct that proceedings should be had for the purpose of inquiring into and investigating certain charges made against J. R. Baker, special commissioner appointed by the Governor for the purpose of expending ten thousand acres of land appropriated by the State legislature to improve the navigation of the Paw Paw river;

And Whereas, Such proceedings were had and conducted in the village of Paw Paw, county of Van Buren, under the charge of the prosecuting attorney for said county, many witnesses were summoned on behalf of the people, and other costs and expenses incurred incidental to such examination, all of which it is admitted is a just charge against the State; but as there is no law of this State authorizing the Governor to pay said costs, he declines doing so unless directed by the legislature to pay the same; therefore

Be it resolved by the Senate and House of Representatives of the State of Michigan, That the board of State Auditors be and they are hereby authorized and directed to examine and allow the proper costs accruing in said proceeding: *Provided*, Satisfactory evidence is exhibited to them: first, that said proceeding was directed to be had by the governor, in behalf of the people; second, that such proceedings were had; thirdly, that the claimants are justly and equitably entitled to their pay for services rendered the people in the

above named proceedings. And for the amount so found to be justly due said claimants, the auditor general is hereby authorized and required to draw his warrant on the State treasurer in favor of the claimants, or any person duly authorized to receive the same, for the sum so found due, and the State treasurer is hereby required to pay said warrant out of any money in the general fund not otherwise appropriated.

Resolved, That this preamble and joint resolution take effect immediately.

Approved April 7, 1851.

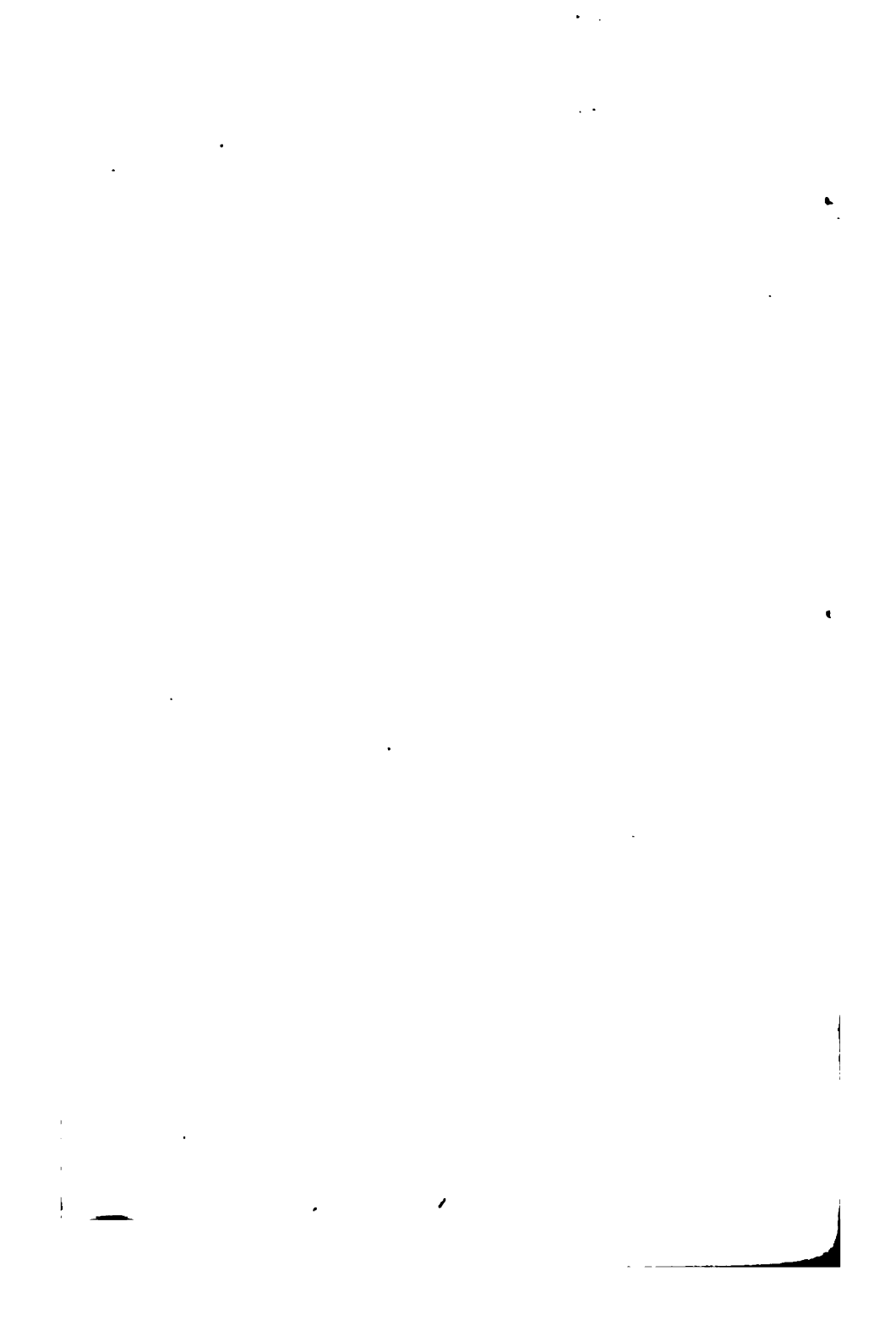
[No. 18.]

JOINT RESOLUTION authorizing the sale of the published laws and documents.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Secretary of State be and he hereby is authorized to sell, in his discretion, such extra copies of the published laws, journals and documents of the legislature, and journals and debates of the Convention, deposited in his office, as will not be required for distribution, at a fair price, not less than the actual cost thereof; and he shall account for the same to the board of State Auditors, and pay the money received therefor into the State treasury.

This joint resolution shall take effect immediately.

Approved April 8, 1851.



ACTS

OF

THE LEGISLATURE

PASSED AT THE

EXTRA SESSION OF 1851.

actual attendance during the session; and to the secretary, engrossing and enrolling clerk and sergeant-at-arms of the Senate, and the clerk, engrossing and enrolling clerk and sergeant-at-arms of the House of Representatives, ten cents for every mile actually travelled in going to and returning from the place of meeting on the usually travelled route. The compensation of the firemen of the Senate and of the House of Representatives, shall be two dollars per day for actual attendance during the session. The compensation of the messengers of the Senate and House of Representatives, shall be one dollar per day for actual attendance during the session.

Pay of
clerk, &c. **Sec. 3.** Such sums as may be due to the secretary of the Senate and clerk of the House, shall be certified by the presiding officers of the respective Houses, and countersigned by the Auditor General; such sums as may be due the president of the Senate and speaker of the House of Representatives, shall be certified by the clerk or
How certi-
fied. secretary of the respective Houses, and countersigned by the Auditor General; and such sums as may be due the members and other officers of either House, shall be certified by the secretary or clerk, and countersigned by the presiding officers of the respective Houses; and the State Treasurer, upon the presentation of any such certificate, countersigned as provided in the preceding section, is hereby
How paid. authorized and directed to pay the same.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved June 17, 1851.

[No. 159.]

AN ACT prescribing the manner of filling vacancies in certain State Offices.

Vacancies;
how filled. **Section 1.** *The People of the State of Michigan enact,* That whenever, from any cause, there shall be a vacancy in the office of Auditor General, Attorney General, Secretary of State or State Treasurer, Superintendent of Public Instruction or Commissioner of the State Land office, the Governor shall have power to appoint some suitable person to fill such vacancy, and the person so appointed shall take the same oath of office, and give a bond in the same man-

LAWS OF MICHIGAN,

PASSED AT THE EXTRA SESSION, JUNE, 1861.

[No. 158.]

AN ACT to provide for the payment of the members and officers of the extra session of the Legislature.

Section 1. *The People of the State of Michigan enact*, That there be appropriated out of any money in the treasury, to the credit of the general fund, a sum not exceeding ten thousand dollars, for the payment of the members and officers of the extra session of the Legislature. Appropriation.

Sec. 2. The compensation of the president and members of the Senate, and of the speaker and other members of the House of Representatives, shall be three dollars per day for actual attendance, and when absent on account of sickness, for the first twenty days of the session, and nothing thereafter, and ten cents for every mile actually travelled in going to and returning from the place of meeting, on the usually traveled route. Each member of the Senate and House of Representatives shall also be entitled to receive five dollars for newspapers and stationery. The compensation of the secretary, engrossing and enrolling clerks and sergeant-at-arms of the Senate, and the clerk, engrossing and enrolling clerks and sergeant-at-arms of the House of Representatives, and of reporters of either House, and of the clerks employed with the consent of either Senate or House of Representatives by any of the standing or special committees of either of said Houses, shall be three dollars per day for Compensation of clerks and members of Senate and House of Representatives.

year; which determination and apportionment shall be entered at large on their records.

*Appropriation to
general fund
chargeable.*

Sec. 4. Upon the collection and payment of said sum of one hundred and six thousand dollars into the State treasury, provided herein to be raised for the year eighteen hundred and fifty-one, there shall be paid in and charged to the general fund the sum of seventy-four thousand dollars; to the internal improvement fund, twenty-nine thousand dollars; and to the contingent fund, three thousand dollars.

Sec. 5. Upon the collection and payment of said sum of one hundred and ten thousand dollars, provided herein to be raised for the year eighteen hundred and fifty-two, there shall be paid in and charged to the general fund, the sum of thirty-two thousand dollars; to the internal improvement fund, seventy-five thousand dollars; and to the contingent fund, three thousand dollars.

Sec. 6. This act shall take effect immediately.

Approved June 23, 1851.

[No. 161.]

AN ACT to amend section one of an act, entitled "an act to provide for publishing the reports of State officers, for the year 1852 and every second year thereafter," approved April 8, 1851.

*Sec. 1 of act
No. 154 of
1851 amend-
ed.*

Section 1. *The People of the State of Michigan enact*, That section one of an act, entitled "an act to provide for publishing the reports of State officers for the year eighteen hundred and fifty-two and every second year thereafter," approved April eighth, eighteen hundred and fifty-one, be amended so as to read as follows:

*Reports of
State off-
icers.*

"Section 1. *The People of the State of Michigan enact*, That the reports of all State officers and boards of officers, from whom annual reports are required by law to be made to the Legislature, shall for the year eighteen hundred and fifty-one, and every second year thereafter, report to the Governor of this State, at the time now required by law, who shall immediately deposit the same in the office of the Secretary of State; and the Secretary shall cause a sufficient number of copies of each of said reports to be printed by the person who is under contract to do the State printing for the time being, in the usual form, to furnish each township in the State one copy for the

use of the library thereof; also, one copy of each, for each county Clerk and county Treasurer, and ten copies of such reports to each city, for the use of the city library; and also, one hundred and fifty copies of each, which shall be placed in the State library. In addition to the above, to furnish one copy of the annual report of the Superintendent of Public Instruction to each school district in the State, which shall be deposited in the library of said district or kept by the director thereof, for the use of said district; and five hundred copies of each, which shall be preserved for binding in the joint documents of the next succeeding Legislature, and one hundred copies for the use of the officers making such reports.

Sec. 2. That the title of the act above recited be so amended as to read as follows, to wit: "An act to provide for publishing the reports of State officers for the year eighteen hundred and fifty-one and every second year thereafter." Title of act amended.

Approved June 23, 1851.

[No. 162.]

AN ACT to provide for the publication of Legal Notices.

Section 1. *The People of the State of Michigan enact*, That all notices now required by law to be published in the State paper, shall hereafter be published in the "Michigan State Journal;" but if the publishers of said paper shall refuse to publish such notices, or if the said paper shall be discontinued, or the name thereof changed, it shall be lawful to have such notices published in any other weekly newspaper published at the seat of government.

Approved June 24, 1851.

[No. 163.]

AN ACT to provide for letting to contract the furnishing of Fuel and Stationery for the use of the State, and also the State Printing and Binding.

Section 1. *The People of the State of Michigan enact*, That it shall be the duty of the Secretary of State, on the first Monday of Octo-

Secretary of
State to pub-
lish notice.

ber next, and every second year thereafter, to cause to be published in some newspaper published at the seat of government, and such other newspapers published in this State as he shall deem necessary and proper, a notice specifying the time and place for receiving separate sealed proposals for furnishing fuel and stationery for the use of the State, the printing and binding the laws, journals and documents, all blanks, paper and printing for the executive departments, and all other printing ordered by the Legislature, which said notice shall be published at least once in each week for six successive weeks before the time specified for receiving such proposals.

Specifica-
tions.

Sec. 2. Said notice shall specify the kind and quality of the articles, and the time when the same shall be delivered, and that ample security will be required for the faithful performance of each and every contract made in pursuance of such notice.

Printing &
binding.

Sec. 3. The printing and binding of the laws, journals and documents to be in a style and manner equal to the printing and binding for the State in the year eighteen hundred and forty-seven, and be completed in a reasonable length of time, to be specified in the contract for the same.

Duty of
board of
State audi-
tors.

Sec. 4. At the time and place specified in said notice, it shall be the duty of the board of State Auditors to meet, and then and there proceed to open and examine all proposals received by the Secretary of State pursuant to such notice, and immediately enter into written contract or contracts, to commence on the first day of January then next, with the person or persons whose propositions are the lowest, and who shall execute bonds to the people of the State of Michigan, jointly and severally, with good and sufficient sureties, in such penal sums as the said board of State Auditors shall require, for the faithful performance of such contract.

Demands
against
State; how
audited and
paid.

Sec. 5. All demands against the State arising under such contracts, from time to time, shall be audited by the board of State Auditors; but no charge for constructive labor shall in any case be allowed. The Auditor General shall draw his warrant on the State Treasurer for all sums so audited and allowed, who shall pay the same out of any moneys in the treasury not otherwise appropriated.

Sec. 6. In case any such contractor shall fail to perform his contract, it shall be the duty of the said board of State Auditors to cause

the objects of such contract to be accomplished in any way by them deemed advisable for the best interest of the State; and it shall be the duty of the Attorney General forthwith to prosecute the bonds of such delinquent contractor.

Duties of Attorney General in case of non-fulfillment of contract.

Sec. 7. This act shall take effect immediately.

Approved June 24, 1851.

[No. 164.]

AN ACT to divide the State into Congressional Districts.

Section 1. *The People of the State of Michigan enact, That this State shall be divided into four Congressional districts, pursuant to a ratio of population fixed by an act of Congress under the seventh census of the United States, for apportioning anew the representatives among the several States, and each district shall be entitled to elect one representative, which shall be constituted as follows, to wit:*

Apportionment; congressional districts.

1. The first district shall consist of the counties of Wayne, Washtenaw, Jackson and Livingston.

2. The second district shall consist of the counties of Monroe, Lenawee, Hillsdale, Branch, St. Joseph and Cass.

3. The third district shall consist of the counties of Berrien, Van Buren, Kalamazoo, Calhoun, Eaton, Barry, Allegan, Ottawa, Kent, Ionia, Clinton, Gratiot, Lake, Mason, Montcalm, Newaygo and Oceana.

4. The fourth district shall consist of the counties of Oakland, Macomb, St. Clair, Sanilac, Huron, Lapeer, Ingham, Genesee, Shiawassee, Saginaw, Tuscola, Midland, Schoolcraft, Ontonagon, Mackinaw, Houghton, Chippewa, and all the unorganized counties not included in the third district.

Approved June 26, 1851.

[No. 165.]

AN ACT to amend section twenty-one of "an act to define the powers and duties of the Boards of Supervisors of the several counties, and confer upon them certain local, administrative and legislative powers," approved April 8, 1851.

Section 1. *The People of the State of Michigan enact, That sec-*

Sec. 21 of
act No. 166
of 1851
amended.

Powers of
board of su-
pervisors.

tion twenty-one of an act entitled "an act to define the powers and duties of the Boards of Supervisors of the several counties, and to confer upon them certain local, administrative and legislative powers," approved April 8, 1851, be amended so as to read as follows:

"Sec. 21. Every such Board of Supervisors shall have power, within their respective counties, to permit or prohibit the construction of any dam or bridge, over or across any navigable stream. They shall also have power to provide for the removal of any obstruction arising from the erection of booms, or collecting of logs or rafts in such streams by any individual, and to direct the time in which, and places where, persons having logs, rafts and boats in such streams shall be allowed to remain, and when the same shall be removed; and may impose such penalties as they deem necessary to enforce such regulations, and authorize the Sheriffs or their deputies, to carry into effect the regulations made under the provisions of this act."

Sec. 2. This act shall take effect immediately.

Approved June 21, 1851.

[No. 166.]

AN ACT to amend section three of an act to provide for the trial of civil causes in the circuit court by jury, approved March 28, 1850.

Sec. 3 of act
No. 163 of
1850 am-
ended.

Section 1. *The People of the State of Michigan enact,* That section three of "an act to provide for the trial of civil causes in the circuit court by jury," approved March twenty-eighth, eighteen hundred and fifty, be and the same is hereby amended by inserting in line one of said section, after the word "court," the following: "or either of them, or either of the several circuit judges in the respective circuits of this State;" and after the word "person," in third line, insert the word "heretofore;" and after the word "offence," in the fourth line, insert "heretofore;" and in the same line insert after "justices" the words "or judges;" so that said section when amended shall read as follows:

Powers of
justices of
supreme
court.

"Sec. 3. The justices of the supreme court, or either of them, or either of the several circuit judges in the respective circuits of this State, are hereby authorized and empowered to pronounce judgment

against and pass sentence upon all persons heretofore convicted, or that may hereafter be convicted in any court held by said justices or judges, or either of them, for any offence heretofore committed or that may hereafter be committed against the laws of this State: *Provided*, That such sentence shall in no case or respect be greater than the penalty now, or that may be prescribed hereafter by law."

Sec. 2. This act shall take effect immediately.

Approved June 26, 1851.

[No. 167.]

AN ACT to apportion anew the Representatives among the several Counties and Districts of this State.

Section 1. *The People of the State of Michigan enact*, That the House of Representatives shall hereafter be composed of members elected agreeably to a ratio of one representative for every six thousand two hundred white persons and civilized persons of Indian descent, not members of any tribe, in each organized county, and one representative for a fraction equal to moiety of said ratio, and not included therein, that is to say: within the county of Wayne, seven; within the counties of Oakland and Washtenaw, five each; within the county of Lenawee, four; within the counties of Calhoun, Jackson, Hillsdale and Macomb, three each; within the counties of Berrien, Branch, Cass, Genesee, Kalamazoo, Kent, Livingston, Monroe, St. Joseph and St. Clair, two each; within the counties of Allegan, Barry, Eaton, Ingham, Ionia, Lapeer, Ottawa, Shiawassee, Van Buren, Saginaw, Mackinack and Tuscola, one each; the counties of Clinton and Gratiot shall compose a representative district and be entitled to one representative, and the election returns of which said district shall be made to the county seat of Clinton; the counties of Sanilac and Huron shall compose a representative district and be entitled to one representative, the election returns of which said district shall be made to the county seat of Sanilac; the counties of Midland, Gladwin and Arenac shall compose a representative district and be entitled to one representative, the election returns of which said district shall be made to the county seat of Midland; the counties of Montcalm, Isabella, Mecosta, Osceola and Clare shall

compose a representative district and be entitled to one representative, the election returns of which said district shall be made to the county seat of Montcalm; the counties of Newaygo, Oceana, Lake, Mason, Manistee, Grand Traverse, Wexford, Missaukee, Roscommon, Ogemaw, Iosco, Alcona, Oscoda, Crawford, Kalamazoo, Omeena, Leelanaw, Antrim, Otsego, Montmorency, Alpena, Presque Isle, Wyandot, Charlevoix, Emmet, Cheboygan, shall compose a representative district and be entitled to one representative, the election returns of which said district shall be made to the county seat of Newaygo; the counties of Chippewa, Marquette, Schoolcraft and Delta shall compose a representative district and be entitled to one representative, the election returns of which said district shall be made to the county seat of Chippewa; the counties of Houghton and Ontonagon shall compose a representative district and be entitled to one representative, the election returns of which said district shall be made to the county seat of Houghton.

Approved June 26, 1851.

[No. 168.]

AN ACT making appropriations for the salaries of State officers for the years eighteen hundred and fifty-one and eighteen hundred and fifty-two.

Salaries of
Governor,
Judges,
State officers,
deputies and
clerks, for
1851.

Section 1. *The People of the State of Michigan enact*, That there be and the same is hereby appropriated out of any moneys in the treasury to the credit of the general fund not otherwise appropriated, the following sums for the salaries of the State officers for the year eighteen hundred and fifty-one: for the salaries of the Governor and Associate Judges of the Supreme Court, fifteen hundred dollars each; for the salary of the Chief Justice of the Supreme Court, sixteen hundred dollars; for the salaries of the Auditor General, State Treasurer and Commissioner of the State Land Office, one thousand dollars each; for the salary of the Secretary of State, eight hundred dollars; for the salary of the Attorney General, including his actual necessary expenses, eight hundred dollars; for the salary of the Superintendent of Public Instruction, eight hundred dollars; for the salary of the Adjutant General, three hundred dollars; for the salary

salaries of the Deputy State Treasurer and Deputy Auditor General, seven hundred dollars each; for the salary of the Deputy Secretary of State, six hundred dollars; for the salary of the Deputy Commissioner of the State Land Office, six hundred dollars; for the salary of the State Librarian, five hundred dollars; for the salary of the book-keeper of the State Land Office, five hundred dollars; to the Private Secretary of the Governor, the sum of three dollars per day during the last and present session of the Legislature, and that the same traveling fees for the present session be allowed him as allowed the members of the Legislature, to be paid on the certificate of the Governor; for the salaries of the two regular clerks of the Auditor General, six hundred dollars each; for the salary of all other clerks employed by the Auditor General, a sum at the rate of four hundred and seventy-five dollars a year each; that there be appropriated to the Lieutenant Governor such additional amount as may be awarded to him by the Board of State Auditors, under the constitution and laws, for his compensation during the last and present session of the Legislature, not already paid him.

Sec. 2. That there be and the same is hereby appropriated out of ^{Ibid for 1852.} any moneys in the treasury to the credit of the general fund, not otherwise appropriated, the following sums for the salaries of State officers for the year eighteen hundred and fifty-two: for the salary of the Governor, one thousand dollars; for the salaries of the Judges of the Circuit Court, fifteen hundred dollars each; for the salary of the District Judge of the upper peninsula, one thousand dollars; for the salary of the District Attorney of the upper peninsula, seven hundred dollars; for the salaries of the Auditor General and State Treasurer, one thousand dollars; for the salary of the Commissioner of the State Land Office, one thousand dollars; for the salary of the Superintendent of Public Instruction, eight hundred dollars; for the salary of the Attorney General, including his actual necessary expenses, eight hundred dollars; for the salary of the Secretary of State, eight hundred dollars; for the salary of the Adjutant General, three hundred dollars; for the salary of the Quartermaster General, one hundred and fifty dollars; for the salaries of the Deputy State Treasurer and Deputy Auditor General, seven hundred dollars each;

for the salaries of the two regular clerks of the Auditor General, six hundred dollars each; for the salary of the Deputy Commissioner of the State Land Office, six hundred dollars; for the salary of the book-keeper of the State Land Office, five hundred dollars; for the salary of the State Librarian, five hundred dollars; for the salary of the Deputy Secretary of State, six hundred dollars; for the salary of all the other clerks employed by the Auditor General, a sum at the rate of four hundred and seventy-five dollars a year each.

Sec. 3. This act shall take effect immediately.

Approved June 27, 1851.

[No. 169.]

AN ACT to provide for the disposal of certain Justices' Dockets in the county of Kent.

Section 1. *The People of the State of Michigan enact*, That the justices of the peace of the town of Grand Rapids, residing within that portion of said town which was included within the limits of the city of Grand Rapids, by an act to incorporate the said city, approved April 2d, 1830, and holding office at the time of the incorporation of said city, be, and the same persons are hereby authorized to issue executions upon the judgments entered in the dockets of said justices, and in the dockets previously transferred to said justices under provisions of law, and to do all other acts necessary in due course of law for the full and final satisfaction of the said judgments: *Provided*, That this act shall not be construed to authorize the said justices to have jurisdiction of actions hereafter brought upon the judgments aforesaid.

Sec. 2. This act shall take effect immediately.

Approved June 27, 1851.

[No. 170.]

AN ACT to provide for the removal of causes remaining in the late court of chancery.

Section 1. *The People of the State of Michigan enact*, That all causes commenced and disposed of or undisposed of in the late court

of chancery in this State be, on the first day of January, in the year one thousand eight hundred and fifty-two, transferred to the circuit courts of the counties where the sessions of the said chancery court were formerly held.

Cases in chancery transferred to circuit courts.

Sec. 2. That for the purposes of said transfer, the registers of the court of chancery are hereby directed, on or before the said first day of January, to deliver all records, files, books, papers and every other thing appertaining to said court, to the several clerks of the counties aforesaid.

Duty of registers in chancery.

Sec. 3. That jurisdiction over such cases, as full as that now exercised by the said court of chancery, shall be, on and after the said first day of January, conferred upon the said several circuit courts.

Jurisdiction transferred.

Approved June 27, 1851.

[No. 171.]

AN ACT to provide for the discharge of the duties heretofore performed by Injunction Masters.

Section 1. *The People of the State of Michigan enact*, That the Judges of the several Circuit Courts shall, in the month of January next, designate a Circuit Court Commissioner in each county within their respective circuits, which Circuit Court Commissioner shall be authorized and empowered to do and perform within their respective counties, all the duties heretofore performed by Injunction Masters, under such restrictions and regulations as the Supreme Court may prescribe.

Circuit court commissioner to discharge duties of injunction masters.

Sec. 2. It shall be the duty of the Supreme Court, at its first session in January next, to define and prescribe the duties and powers of Circuit Court Commissioners under this act, and cause the same, together with the names of the Commissioners, designated as above provided, to be published in some newspaper in the city of Detroit, and the name of each Circuit Court Commissioner designated, to be published in a newspaper in the proper county.

Supreme court to prescribe duties of circuit court commissioner, &c.

Sec. 3. Each Judge shall have the power to change such designation of a Circuit Court Commissioner for the purposes aforesaid, and to designate another in his stead, and to make a new designation whenever the term of office of any Commissioner may expire or the

Judge may change designation of circuit court commissioner.

office become vacant, which designation shall be published as aforesaid.

Sec. 4. This act shall take effect on the first Monday of January next.

Approved June 27, 1851.

[No. 172.]

AN ACT to amend sections three, fourteen and fifteen of chapter fifteen of the revised statutes of 1846, in relation to vacancies in office.

Sec. 3 of
chapter 15
of revised
statutes of
1846 amended.

Section 1. *The People of the State of Michigan enact*, That section three of chapter fifteen of the revised statutes of 1846 be and the same is hereby amended so that the same shall read as follows:

"Vacancies.

What
events to
create vacancy.

"Sec. 3. Every office shall become vacant, on the happening of either of the following events, before the expiration of the term of such office:

"1. the death of the incumbent:

"2. His resignation:

"3. His removal from office:

"4. His ceasing to be an inhabitant of this State; or, if the office be local, of the district, county, township, city or village, for which he shall have been elected or appointed, or within which the duties of his office are required to be discharged:

"5. His conviction of any infamous crime, or of any offence involving a violation of his oath of office:

"6. The decision of a competent tribunal, declaring void his election or appointment; or

"7. His refusal or neglect to take his oath of office, or to give or renew any official bond, or to deposit such oath or bond in the manner and within the time prescribed by law: *Provided*, That the supervisor of any township, in which the office of a township treasurer or justice of the peace may become vacated by operation of this act, shall immediately transmit to the County Clerk of the county in which such township treasurer or justice of the peace resides, a notice in writing, officially signed by him, informing the county Clerk

that the office of such township treasurer or justice of the peace is vacated."

Sec. 2. Section fifteen of chapter fifteen of the revised statutes of 1846 shall be and the same is hereby amended so that the same shall read as follows:

Sec. 15, chapter revised statutes of 1846 amended.

"Sec. 15. When at any time there shall be in either of the offices of county clerk or prosecuting attorney, no officer duly authorized to execute the duties thereof, the judge of the circuit court of the circuit in which the county where such vacancy exists, shall be situated, may appoint some suitable person to perform the duties of either of said officers for the time being; and when at any time there shall be in either of the offices of sheriff, coroner, register of deeds, or county surveyor, no officer duly authorized to execute the duties thereof, some suitable person may be appointed by the county clerk and prosecuting attorney of the county to perform the duties of either of said offices for the time being."

When judges are all vacancies.

When Co. clerk and prosecuting attorney may fill vacancies.

Sec. 3. Section fourteen of chapter 15 of the revised statutes of 1846 shall be and the same is hereby amended so as to read as follows:

Sec. 14, chapter 15, revised statutes of 1846 amended.

"Sec. 14. When, during the recess of the Legislature, there shall be in either of the offices to be appointed by the Governor alone, or by the Governor, by and with the advice and consent of the Senate, or of both branches of the Legislature, or by the Legislature without the concurrence of the Governor, no officer duly authorized to execute the duties thereof, some suitable person may be selected and appointed by the Governor to perform the duties of either of said officers for the time being; and when, during the recess of the Legislature, the term of office of any officer appointed by the Governor alone, or by the Governor with the advice and consent of the Senate, or of both branches of the Legislature, or by the Legislature without the concurrence of the Governor, shall expire, the Governor shall have power to appoint some suitable person to such office, and such person shall hold such office, unless sooner removed by competent authority, until the close of the next session of the Legislature, or until his successor is appointed or elected and qualified."

Governor may fill certain vacancies during recess of Legislature.

Sec. 4. This act shall take effect and be in force immediately.

Approved June 27, 1851.

[No. 173.]

AN ACT to^e organize the Townships of Newaygo and Brooks, in the County of Newaygo.

Township of Newaygo organized. Section 1. *The People of the State of Michigan enact*, That all that part of the county of Newaygo designated in the United States survey as townships eleven, twelve, thirteen, fourteen, fifteen and sixteen north of range number eleven west, also the east half of townships eleven, twelve, thirteen, fourteen, fifteen and sixteen north of range twelve west, be and the same is hereby organized into a township by the name of Newaygo, and the first township meeting shall be held at the house formerly occupied by John F. Stearns, near the forks of the Muskegon river.

Township of Brooks organized. Sec. 2. That all that part of said county designated in the United States survey as townships eleven, twelve, thirteen, fourteen, fifteen and sixteen north of range thirteen and fourteen west, also the west half of townships number eleven, twelve, thirteen, fourteen, fifteen and sixteen north of range twelve west, be and the same is hereby organized into a township by the name of Brooks, and the first township meeting shall be held at the county seat, at the house of John A. Brooks.

Sec. 3. This act shall take effect immediately.

Approved June 27, 1851.

[No. 174.]

AN ACT to amend an act entitled "an act to amend chapter ninety-three of the revised statutes of eighteen hundred and forty-six, in relation to appeals," approved March sixteenth, eighteen hundred and forty-nine.

Sec. 180 of act No. 101 of 1849 amended. Section 1. *The People of the State of Michigan enact*, That section one hundred and fifty-nine, as printed in the second section of the act entitled "an act to amend chapter ninety-three of the revised statutes of eighteen hundred and forty-six, in relation to appeals," approved March sixteenth, eighteen hundred and forty-nine, be amended by adding to the end of said section the following words: "And no appeal shall be dismissed on the ground of a defective affidavit, or because the same does not conform to the provisions of section one hundred and forty-one of the act which is amended hereby:

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Provided, The appellant, his agent or attorney, shall file an affidavit, which shall conform to the provisions of section one hundred and forty-one;" so that said section shall read as follows:

"Section 159. In all cases of appeal brought to the court, if the appeal be not dismissed, and the cause made in the cause, it shall be tried by the court; or, on demand of either party, be tried by a jury. If a jury be demanded by either party, the issue shall be tried by the court; and no appeal shall be dismissed on the ground of a defective affidavit, or because the same does not conform to the provisions of section one hundred and forty-one of the act hereby: *Provided*, The appellant, his agent or attorney, shall file a new affidavit, which shall conform to the provisions of section one hundred and forty-one: *Provided*, This act shall not apply to any way any cause now pending on appeal."

Sec. 2. This act shall take effect immediately.

Approved June 27, 1851.

[No. 175.]

AN ACT to provide for holding general and

Section 1. *The People of the State of Michigan*. A general election shall be held in the several towns of this State on the Tuesday succeeding the first Monday in the year eighteen hundred and fifty-two, and on the Tuesday succeeding the first Monday of November, every second year thereafter, at which there shall be elected so many of the following officers as are to be chosen in such years respectively, to-wit: Governor, Lieutenant Governor, Secretary of State, Auditor General, Attorney General, Superintendent of Education, Commissioner of the State Land Office, State Board of Education, Electors of President and Vice President of the United States, Representatives in Congress, Representatives in the State Legislature, and the officers, viz: Judges of Probate, Sheriffs, Clerks, &c.

ters of Deeds, Prosecuting Attorneys, and such other officers as may by law be required to be elected at such general election: *Provided*, The provisions of this section shall not apply to the election of the Senator and Representatives in the State Legislature, nor to the election of county officers, in that portion of the State denominated the upper peninsula, as described in section one, article nineteen of the revised constitution, and such other territory as may be attached thereto for election purposes. On the first Tuesday of November, eighteen hundred and fifty-one, there shall be elected a Governor and Lieutenant Governor, whose term of office shall commence on the first Monday of January, eighteen hundred and fifty-two, and who shall hold their respective offices until the first day of January, eighteen hundred and fifty-three, and until their successors are elected and qualified; which election shall be conducted in the manner provided by the constitution and laws in force on the thirty-first day of December, eighteen hundred and fifty; and the returns and canvass of votes given thereon shall be proceeded and determined in the same manner herein provided for the same officers to be elected at general biennial elections.

In what cases special elections may be held.

Sec. 2. Special elections may be held in the following cases, and for the election of the following officers, viz:

1. When a vacancy shall occur in the office of Senator or Representative in the State Legislature, Representative in Congress, Judge of the Circuit or District Court, Regent of the University, or member of the State Board of Education;
2. When there has been no choice at a general election of Representative in Congress;
3. When the right of office of a person elected to any of the aforesaid district or county offices shall cease before the commencement of the term of service for which he shall have been elected;
4. When a vacancy shall occur in either of the said county offices after the commencement of the term of service, and more than six months before the next general election;
5. When, in any other case of a vacancy not particularly provided for in this section, the Governor shall in his discretion so direct.

Sec. 3. A vacancy in either of the offices named in the first section of this act, which shall not have been supplied before a general election, may be supplied at such election.

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Sec. 4. No special election shall be held preceding a general election, except in case shall order a special election.

Sec. 5. Special elections for the choice of in section one of this act, shall, except in election is to be ordered by the Governor, be supervisors.

Sec. 6. Special elections shall be held and shall be conducted and the result thereof in all respects, as near as may be, in like manner, except as otherwise directed.

Sec. 7. In elections for the choice of all of section of this act, the persons having the right shall be deemed to have been duly elected.

Sec. 8. Whenever the time fixed by the law for the election of electors of president and vice president of the United States, shall not occur on the day appointed for the election, such election for electors of president shall be held on the day so fixed by the law.

Sec. 9. All the provisions of law relating to the holding of the general elections, and the election of president and vice president thereat, shall apply to every election pursuant to the provisions of the preceding sections given for such electors shall be returned and the result determined in the same manner in all respects, as in case of the election of such electors.

Sec. 10. When a vacancy shall occur in the circuit court, regent of the university, or member of the board of education, thirty days or more before a general election, the secretary of State shall, at least twenty days before the election, cause a written notice to be sent to the sheriff of each county within the election district in which such vacancy occurs. The notice shall state in which office the vacancy occurs and how the vacancy will be supplied at the next general election.

Sec. 11. The Secretary of State shall, between the first day of July and the first day of September preceding a general election,

rect and cause to be delivered to the sheriff of each county in this State, a notice in writing that at the next general election, there will be chosen as many of the following officers as are to be elected at such general election, viz: a Governor, Lieutenant Governor, Secretary of State, State Treasurer, Auditor General, Attorney General, Superintendent of Public Instruction, Commissioner of the State land office, members of the State board of education, electors of president and vice president of the United States, and a representative in Congress for the district to which each of such counties shall belong.

Of elections
of Senators
and Repre-
sentatives.

Sec. 12. He shall also, between the first day of July and first day of September, preceding such election, direct and cause to be delivered to the sheriff of each county, a notice in writing, stating the number of senators and representatives to be elected in such county, specifying the number of each district, and the limits of such district, when the county alone does not constitute a senatorial or representative district or districts.

Of special
elections.

Sec. 13. Whenever a special election shall be ordered by the Governor to fill any vacancy, the Secretary of State shall immediately notify the sheriff of each of the counties embraced in said election district, of the time of holding such election, the cause of such vacancy, the name of the officer, and the time when his term of office will expire.

Duty of
board of su-
pervisors in
ordering
vacancy to
be filled.

Sec. 14. When the board of supervisors of a county shall order a special election to fill a vacancy in any office, such order shall be in writing and signed by the chairman and clerk of the board, and shall specify how the vacancy occurred, the name of the officer in whose office it occurred; the time when his term of office will expire, and the day on which such special election shall be held, not being more than forty nor less than thirty days from the making of such order; and such clerk shall, without delay, cause a copy of such order to be delivered to the township clerk of each township, and to one of the inspectors of election in each ward of any city in the county.

Duty of
sheriff on
receiving
notice.

Sec. 15. The sheriff, on receiving either of the notices directed in this act to be sent to him, shall forthwith cause a notice in writing to be delivered to the township clerk in each township, and to one of the inspectors of election in each ward in any city of his county, which

notice shall contain in substance the notices so received by such sheriff; but if such county shall be divided into two or more senatorial or representative districts, then such notice, so far as it relates to the election of senators or representatives, shall be delivered to the proper officer in each township or ward in each respective district.

Sec. 16. He shall also give at least twenty days' notice in writing, ^{Duty of sheriff receiving notice.} to be delivered to the township clerk of each township, and to one of the inspectors of election in each ward in any city in his county, of the holding of each general election, for the choice of county officers, designating the officers to be chosen at each and every such election.

Sec. 17. The township clerk or inspector of elections receiving ^{Duty of township clerk or receiving notice.} either of the notices directed in this act to be delivered to him, shall by notice in writing, under his hand, give at least ten days' notice to the electors of the township or ward, of the time and place at which such election is to be held, and the officers to be chosen; and if the notice is of a general election, at which a vacancy is to be filled, it shall state the name of the person in whose office the vacancy shall have occurred, and that such vacancy will be supplied at such election; and such township clerk or inspector shall cause such notices to be posted up in at least three of the most public places in the said township or ward.

Sec. 18. At the general election, the supervisor, the justice of the peace, not holding the office of supervisor or town clerk, whose term ^{Inspects of election} of office will first expire, and the township clerk of each township, and the assessor and alderman of each ward in a city, or if in any city there be not an assessor in every ward, then the two aldermen of each ward shall be the inspectors of election, two of whom shall constitute a quorum.

Sec. 19. In case three of such inspectors shall not attend at the opening of the polls, or shall not remain in attendance during the ^{When electors to choose inspectors.} election, the electors present may choose, viva voce, such number of such electors as, with the inspector or inspectors present, shall constitute a board of three in number; and such electors, so chosen, shall be inspectors of that election during the continuance thereof.

Sec. 20. The township clerk, if present, shall be required by the ^{Clerks of election.} board to act as a clerk of the election, and before the opening of the

polls, the inspectors in each township shall appoint another competent person to be clerk of the election; and if the township clerk shall not be present, the board shall appoint two such clerks, and the inspectors in each ward in a city shall appoint two competent persons to be such clerks; and each of the clerks so appointed, and each of the inspectors so chosen, shall take the constitutional oath of office, which oath either of the inspectors may administer.

At what
time polls to
be opened
and closed.

Sec. 21. The polls of the election shall be opened at eight o'clock in the forenoon, or as soon thereafter as may be, on the day of election, and shall be continued open until five o'clock in the afternoon of the same day, and no longer; but the board may adjourn the polls at twelve o'clock noon, for one hour, in their discretion; but the inspectors shall cause proclamation to be made of the opening and closing of the polls, and of each adjournment.

Chairman
of board.

Sec. 22. When the supervisor shall be one of the board, he shall be chairman thereof; but if he be absent, such one of their number as the inspectors shall appoint shall be chairman of the board.

Sec. 23. The electors shall vote by ballot, and each person offering to vote shall deliver his ballot, folded, to one of the inspectors, in presence of the board.

Ballot, what
to contain.

Sec. 24. The ballot shall be a paper ticket, which shall contain, written or printed, or partly written and partly printed, the names of all the persons for whom the elector intends to vote, and shall designate the office to which each person so named is intended to be chosen; but no ballot shall contain a greater number of names of persons, as designated to any office, than there are persons to be chosen at the election to fill such office.

Oath to be
tendered to
person chal-
lenged.

Sec. 25. If any person offering to vote shall be challenged as unqualified by any inspector, or any elector entitled to vote at that poll, the chairman of the board of inspectors shall declare to the person challenged the constitutional qualifications of an elector; and if such person shall state that he is a qualified elector, and the challenge is not withdrawn, one of the inspectors shall tender to him such one of the following oaths as he may claim to contain the grounds of his qualifications to vote:

1. "You do solemnly swear (or affirm) that you are twenty-one years of age, that you are a citizen of the United States, that you

have resided in this State three months next preceding this day, and that you have not voted

2. "You do solemnly swear (or affirm) years of age, that you resided in this State of June, eighteen hundred and thirty-five this State three months next preceding this (or ward as the case may be) ten days next preceding this day, and that you have not voted at this election;" or

3. "You do solemnly swear (or affirm) years of age, that you resided in this State of June, eighteen hundred and fifty, that you have resided in this State six months next preceding this election, that you have declared your intention to become a citizen of the United States thereof, six months preceding this election, that you have resided in this State three months next preceding this election, (or ward as the case may be) ten days next preceding this day, and that you have not voted at this election;" or

4. "You do solemnly swear (or affirm) years of age, that you have resided in this State six months next preceding this election, that you have declared your intention to become a citizen of the United States thereof, six months preceding this election, that you have resided in this State three months next preceding this election, (or ward as the case may be) ten days next preceding this day, and that you have not voted at this election;" or

5. "You do solemnly swear (or affirm) years of age, that you are a native of the United States, or a civilized inhabitant of Indian descent, and of the tribe, that you have resided in this State three months next preceding this day, and in this township (or ward as the case may be) ten days next preceding this day, and that you have not voted at this election."

And if such person so challenged will take the oaths, his vote shall be received; but if such person swear falsely, upon conviction thereof, he shall be liable to the penalties of perjury.

Sec. 26. There shall be provided and kept

Separate
statement.

nor, Lieutenant Governor, Secretary of State, State Treasurer, Auditor General, Attorney General, Superintendent of Public Instruction, Commissioner of the State land office, and members of the State board of education, the names of the persons to whom such votes were given, and the number of votes given to each; another similar statement of the votes given for electors of president and vice president of the United States, each year in which such electors are to be chosen; another similar statement of the votes given for representative in Congress; another of the votes given for Senator, when the county alone does not constitute a senatorial district; another of the votes given for representative in the State Legislature, when the county alone does not constitute a representative district; another of the votes given for senator or representative, when the county alone constitutes but one senatorial or representative district; and another of the votes given for county officers.

Ibid.

Sec. 50. The several senatorial and representative district canvassers shall, where a county is divided for such purposes, also make a statement of the whole number of votes given in each respective district for the office of senator or representative, or both, as the case may be, which several statements shall set forth the number of each of such districts, the number of votes given to each of the persons voted for in each of such districts, respectively.

What statement to contain, &c

Sec. 51. In each of said statements, the whole number of votes given, the names of the candidates, and the number of votes given to each shall be written out in words at length; and each statement shall be certified as correct, and attested by the signatures of the chairman and secretary of the respective boards, and a copy of each, thus certified and attested, shall be delivered to the county clerk, and recorded by him in a suitable book, to be provided by him for that purpose, at the expense of the county, and kept in his office.

Determination by the board of persons elected.

Sec. 52. The county and district boards shall then determine the persons who have been by the greatest number of votes elected to the county offices, and members of the Legislature, when the county alone constitutes one or more senatorial or representative districts, and such determinations shall be certified and attested by the chairman and secretary of the respective boards, and be annexed to the statement of votes given for such officers respectively, and shall be

their lawful commands during an election estimate of the votes, after the poll is closed.

Sec. 34. If any person shall refuse to obey the orders of the inspectors, or by disorderly conducting, shall interrupt or disturb their proceeding, shall interrupt or disturb their proceeding by an order in writing, commit the person to the common jail of the county, for a period not exceeding thirty days; and the court may require such order to be executed by the sheriff or constable to whom the same shall be directed, and if said officers shall be present, such order may be executed by any other person deputed in writing by the inspectors.

Sec. 35. As soon as the poll of the general election is closed, the inspectors shall immediately ascertain the result of the election, unless they shall adjourn such canvass to some convenient time; and if the canvass shall be adjourned, the same shall be held in relation to the poll lists, box and key, and the provisions of sections thirty-one and two of this act, to be observed at the opening of the poll.

Sec. 36. The canvass shall be public, and a comparison of the poll lists, and a correct copy of the same may be found therein, until they shall be finally closed.

Sec. 37. The box shall then be opened, and the ballots therein taken out and counted, by the inspectors; and so far as to ascertain whether each ballot contains more ballots shall be found so folded together as to resemble a single ballot, they shall be deposited in a box; and the number of ballots shall be found not to agree with the number provided in the next section.

Sec. 38. If the ballots in the box shall be found to exceed the whole number of names of electors on the poll list, the same shall be replaced in the box, and one of the inspectors shall draw out and destroy so many ballots thereof as shall be equal to such excess.

Sec. 39. The ballots and poll lists agree, the board shall then proceed to canvass the same, and they shall draw up a statement of the result of the canvass, and a certificate thereof to be made, which statement and certificate shall be filed in the office of the clerk of the board of election.

tified by the inspectors to be correct, and shall be subscribed with their names.

What statement to contain.

Sec. 40. Such statements shall set forth in words at length, the whole number of votes given for each office, the names of the persons for which such votes for such office were given, and the number of votes so given for each person; and one of said statements shall forthwith be delivered to the township clerk to be filed and preserved by him in his office, and the other shall be delivered to one of the inspectors who shall be appointed by the board to attend the county canvass.

Ballots; how kept.

Sec. 41. The inspectors shall preserve a true copy of all ballots rejected as defective, with the originals attached, and deliver the same to the township clerk to be filed in his office; and the other ballots they shall seal up and deliver to said clerk, who shall keep the same in his office until the next election, subject only to the inspection of the proper authorities, in case of a contested election.

Poll lists to be filed, &c.

Sec. 42. One of the poll lists shall be delivered to the township clerk and the other to the county clerk, which lists shall be filed and preserved by them in their respective offices. In a city, the ballots and one of such poll lists and statements shall be delivered to the city clerk, and shall be kept and preserved by him.

Who to constitute board of county canvassers, &c.

Sec. 43. The several inspectors appointed by the inspectors of election in townships and wards, to attend the county canvass, shall constitute the board of county canvassers, and shall meet on the Tuesday next following the election, before one o'clock in the afternoon, at the office of the county clerk, who shall be secretary of the board; or in his absence his deputy shall be secretary; but if such county shall be divided into two or more senatorial or representative districts, the inspectors of election representing the townships or wards embraced in each of such districts, shall, with the county clerk or his deputy, constitute the board of district canvassers for said districts respectively, so far as the canvass relates to the election of senators and representatives in the State legislature, which several canvasses shall be held immediately after the county canvass.

Sec. 44. If either of the inspectors appointed to attend the county canvass shall be unable to attend such canvass on the day appointed,

he shall on or before that day cause to be
the county clerk the original statement of
ship or ward, which statements said clerks
vassers.

Sec. 45. On the day appointed for such
the canvassers shall not attend, or if such
not be produced, or if there shall be any
such statements received, the canvassers to
the county canvass to some convenient place
the inspectors from the several senatorial or
there shall be more than one of such districts
proceed with their secretary to canvass the
districts, as far as it can be done, before the

Sec. 46. If all the original statements of
several townships and wards shall not be
pointed for such canvass, or if there shall be
any of the statements received, the county
messenger or otherwise, obtain such originals
as are not produced or are defective, or certify
thereof, in time to be delivered to the board
said adjourned meeting.

Sec. 47. At the time to which such canvass
canvassers shall again meet; and such of them
although less than a majority of the whole
the board of canvassers.

Sec. 48. The canvassers shall choose one
man; and said board shall then proceed to
statements certified by the several boards of
or certified or corrected copies thereof, and
votes given in the county for the respective
officers, when such district shall exceed the
and make statements thereof, as the nature
require; after which the several senatorial and
boards of canvassers shall proceed to canvass
districts, if such county shall be divided for representation.

Sec. 49. They shall make a separate statement of
whole number of votes given in such county for

day, cause to be delivered at the office of the clerk of the county in which such meeting is to be held, the original statement of votes given in his county for the officer to be elected in such district, which statement shall be laid before said board.

Proceeding
of canvass-
ers.

Sec. 63. The canvassers shall then proceed to examine the statement of the votes given in the several counties in the district, and ascertain and determine what persons have been elected, and to what offices, and shall draw up a statement thereof in words at length, which statement shall contain the whole number of votes given in the district for each office, and the names of the persons to whom such votes were given; and such statement shall be certified to be correct, and to be subscribed by the said canvassers, or a majority of them.

Determina-
tion of can-
vassers.

Sec. 64. The canvassers shall then determine the persons elected to the several offices within the district, as shall appear by such statement, and shall certify such determination under their hands, and annex the same to their said statement, and deliver the same to the clerk of the county in which their meeting shall be held, who shall file the same in his office; and said board shall cause a copy of such statement and certificate to be forthwith published in some newspaper printed in the district.

Duty of Co.
clerk in re-
lation to
statement.

Sec. 65. The county clerk by whom the said statement and certificate thereto annexed shall be filed, shall, without delay, transmit by mail to the Secretary of State, a copy of such statement and certificate of determination, certified by him under his hand and seal of office; and he shall also, without delay, prepare and certify as many copies of such certificate of determination as there are persons stated therein to have been elected, and cause one of said copies to be delivered to each person so determined to be elected.

State can-
vassers.

Sec. 66. The Secretary of State, the State Treasurer and the Commissioner of the State Land Office shall constitute the board of State canvassers, any two of whom shall be a quorum for the transaction of business; and if only one of said officers shall attend on the day appointed for a meeting of the board, the Auditor General, on being notified by the officer so attending, shall without delay attend with such officer, and with him shall form the board.

Sec. 67. The Secretary of State, on the receipt of the certified co-

pies of the statement of votes given in the by law to be sent to him by the county clerk in a suitable book to be kept by him for t any county clerk no such statement shall l Secretary of State, on or before the seco next after a general election, and on or bef a special election, he shall call upon the Go urer, and receive from them, or either of th such county, if the Governor or State Treas such statement.

Sec. 68. If, from any county clerk, no su been received by the Secretary of State, the Treasurer, within the times limited, the Secre with send a special messenger to obtain such cates from such county clerk; and such cler demand being made by such messenger at h deliver to him the statements and certificates

Sec. 69. For the purpose of canvassing and of elections, other than for electors of presid the Secretary of State shall appoint a meeting sers to be held at his office, on or before the fi ber next after a general election, and within cial election, and shall notify the other membe same.

Sec. 70. The said board of canvassers, who shall examine the statements received by the the votes given in the several counties, and ma whole number of votes given for the offices of Governor, Secretary of State, State Treasurer, torney General, Superintendent of Public Instr of the State Land Office, and members of the f tion, which statement shall show the names of such votes shall have been given for either of the whole number of votes given to each of suc

Sec. 71. The said board shall also proceed to ments received by the Secretary of State, of the several counties, and make a statement of the wl

given for the office of Representative in Congress in each Congressional district; which statement shall show the names of the persons to whom such votes shall have been given for said office, and the whole number of votes given to each person in each respective district.

**Duty of
board of
State canvassers.**

Sec. 72. The said canvassers shall certify each statement made by them to be correct, and subscribe their names thereto; and they shall thereupon determine what persons have been, by the greatest number of votes, duly elected to each respective office, and make and subscribe on each statement a certificate of such determination, and deliver the same to the Secretary of State.

**Record to be
made by Sec-
retary of
State.**

Sec. 73. The Secretary of State shall record in his office, in a book to be kept by him for that purpose, each certified statement and determination, so made and delivered to him by the board of State canvassers; and shall, without delay, make out and cause to be delivered to each of the persons thereby declared to be elected, a copy of such determination, certified by him under his seal of office.

**Votes for
electors of
President,
&c.; when
and how
canvassed.**

Sec. 74. For the purpose of canvassing and ascertaining the votes given for electors of president and vice president of the United States, the board of State canvassers shall meet on the Wednesday next after the third Monday of November, or on such other day before that time as the Secretary of State shall appoint; and the powers, duties and proceedings of said board, and of the Secretary of State, in sending for, examining, ascertaining, determining, certifying and recording the votes and results of the election of such electors, shall be in all respects, as near as may be, as hereinbefore provided in relation to sending for, examining, ascertaining, determining, certifying and recording the votes and results of the election of State officers.

**Secretary of
State to
transmit
copy of cer-
tificate of
determina-
tion.**

Sec. 75. The Secretary of State shall, without delay, cause a copy of the certified determination of the board of State canvassers, declaring the persons elected as such electors, to be transmitted and delivered by special message or otherwise, to each of the persons so declared to be elected, which copies shall be certified under his hand and seal of office.

Sec. 76. For the purpose of canvassing and ascertaining the result

of the vote taken at a general election, upon the amendment to the constitution, or approval of any amendment thereof, the Secretary of State shall call a special State board of State canvassers, to be held on or before the twentieth day of December next after the meeting the said Secretary shall lay before him the votes received by him of the votes given in the election for or against such amendment to the constitution, or approval of such banking law, or amendment thereof, as the case may be.

Sec. 77. The board shall then proceed to canvass the votes, and to ascertain and determine the result, and to prepare under their hands, a statement of the whole number of votes for, and the whole number of votes given against the amendment of the constitution, or for or against the approval of the law, or amendment thereof, as the case may be, and shall upon determine whether such amendment to the constitution, or banking law, or amendment thereof, as the case may be, is approved and ratified by a majority of the electors, and shall make and subscribe on such statement their determination, and deliver the same to the Secretary of State.

Sec. 78. The Secretary of State shall record the same, to be kept by him for that purpose, such certificate of determination; and if it shall appear that such amendment to the constitution, or such banking law or amendment thereof, is approved and ratified, as aforesaid, he shall also cause a copy of the same to be entered in the book in which the original act of the Legislature is recorded, and shall cause any amendment to the constitution published with the laws enacted by the Legislature in the succeeding session thereof.

Sec. 79. The Secretary of State shall cause a copy of the determination and certificate of election to be published in the State Gazette five weeks in a newspaper published at the seat of government, immediately after receiving the same from the board of State canvassers.

Sec. 80. The said board of State canvassers shall adjourn from day to day, for a term not exceeding

Election of
members of
board of ed-
ucation.

Sec. 81. At the general election to be held in the year eighteen hundred and fifty-two, there shall be elected three members of the State board of education; one for two years, one for four years, and one for six years; and at each succeeding general election, there shall be elected one member of said board, who shall hold his office for six years, and until his successor is elected and qualified; and the ballots for the members of the State board of education shall designate which of the persons so balloted for, for member of said board, is to hold the office for two years, which for four years, and which for six years; and the person receiving the greatest number of votes for the term so designated, shall be by the State canvassers declared to be elected for such term.

Representa-
tive in
Congress.

Vacancy.

Sec. 82. A representative in the Congress of the United States shall be chosen in each of the congressional districts into which the State is or shall be divided, at each general election; and if a representative in Congress shall resign, he shall forthwith transmit a notice of his resignation to the Secretary of State; and if a vacancy shall occur, by death or otherwise, in the office of representative in Congress, the clerk of the county in which such representative shall have resided at the time of his election, shall without delay transmit a notice of such vacancy to the Secretary of State.

Electors of
President &
V. Presid'nt

Sec. 83. At the general election next preceding the choice of President and Vice President of the United States, there shall be elected by general ticket as many electors of President and Vice President as this State may be entitled to elect of Senators and Representatives in Congress.

To convene
at capitol.

Sec. 84. The electors of President and Vice President shall convene at the capitol of the State on the first Wednesday of December; and if there shall be any vacancy in the office of an elector, occasioned by death, refusal to act, neglect to attend by the hour of twelve o'clock at noon of that day, or on account of any two of such electors having received an equal and the same number of votes, the electors present shall proceed to fill such vacancy by ballot and plurality of votes; and when all the electors shall appear, or vacancies shall be filled, as above provided, they shall proceed to perform the duties of such electors, as required by the constitution and laws of the United States.

Sec. 85. The Secretary of State shall prepare three lists of the names of the electors, procure thereto the signature of the Governor, Duty of Secretary of State. affix the seal of the State to the same, and deliver such certificates, thus signed and sealed, to one of the electors, on or before the said first Wednesday of December.

Sec. 86. On the first Tuesday after the second Monday of January next before the expiration of the time for which any Senator was elected to represent this State in the Congress of the United States, if the Legislature shall be then in session, and if not, then within ten days after a quorum of both houses shall be assembled at the then next meeting of the Legislature, an election shall be held for a Senator in Congress, at the place where the Legislature shall be then sitting; which election may be continued from day to day until such Senator shall be elected. When Senator in Congress to be elected.

Sec. 87. Whenever the seat of any such Senator shall become vacant before the expiration of the term for which he was elected, another Senator shall be elected to fill his place within ten days after the Legislature shall have notice of such vacancy, at the place where it shall be then sitting. Vacancy; how filled.

Sec. 88. Such election shall be made in the following manner: the Senate and House of Representatives shall each openly nominate one person for the office of Senator in Congress; after which they shall immediately meet in joint convention in the Hall of the House of Representatives, and if they shall agree in their nomination, the person so nominated shall be deemed elected; if they shall disagree, the election shall be made by a joint vote of the Senators and members of the House of Representatives, and a majority of the votes given in such joint convention shall be necessary to an election. Manner of conducting election.

Sec. 89. Whenever any Senator shall be chosen as aforesaid, a copy of the resolutions of the Senate and House of Representatives, certifying such choice, signed by the President of the Senate and Speaker of the House of Representatives, shall be delivered to the Secretary of State and recorded by him; and he shall forthwith make out a certificate, under the seal of the State, and attested by him as Secretary, certifying such choice, and deliver the same to the person so chosen Senator, by mail or otherwise. Evidence of election.

Sec. 90. Unorganized counties, with other parts of the State which

Unorganized
counties

may be attached to any organized county for judicial purposes, unless otherwise provided, shall be considered as a part of such organized county for all purposes concerning the election of officers who may be elected at a general or special election.

Oath of in-
spectors.

Sec. 91. The oath directed in this act to be taken by persons chosen to be inspectors, or appointed clerks of elections, shall be in the form prescribed in the first section of the eighteenth article of the revised constitution of this State.

Compensa-
tion.

Sec. 92. Each county canvasser, sheriff and county clerk, shall receive such reasonable compensation for their services while employed in the business of elections for county officers as shall be allowed by the board of supervisors or county auditors, to be paid by the county.

Held.

Sec. 93. Each district canvasser, county clerk, or other person employed in canvassing and returning the result of the elections required by law to be certified by district canvassers, to the board of State canvassers, shall receive such compensation as the board of State auditors shall deem reasonable, and be paid out of the State treasury.

Sec. 94. During the day on which any election shall be held, pursuant to the provisions of law, no civil process shall be served on any elector entitled to vote at such election.

Term of of-
fice.

Sec. 95. The person holding any office, at the expiration of the term thereof, shall continue to hold the same until his successor shall be elected or appointed and qualified; and when any person shall be elected to fill a vacancy in any elective office, he shall hold the same only during the unexpired portion of the regular term limited to such office, and until his successor shall be elected and qualified.

Approved June 27, 1851.

[No. 176.]

AN ACT to divide the State into Senate districts.

Division of
State into
Senate dis-
tricts.

Section 1. *The People of the State of Michigan enact, That the State shall be divided into thirty-two Senate districts, and each district entitled to one Senator, which shall be constituted as follows, to wit:*

1. The first district shall consist of the seventh wards in the city of Detroit, at tramck and Grosse Point, in the county o turns shall be made to the county clerk's

2. The second district shall consist of eighth wards in the city of Detroit, and wells, Greenfield, Ecorse and Monguagor the election returns shall be made to the county.

3. The third district shall consist of the Huron, Sumpter, Taylor, Romulus, Van B Livonia, Nankin, Dearborn and Redford, i the election returns shall be made to the county.

4. The fourth district shall consist of the Orion, Pontiac, Bloomfield, Southfield, B Oakland, Addison and Farmington, in the election returns shall be made to the clerk of Oakland.

5. The fifth district shall consist of the town Milford, Commerce, West Bloomfield, Highla ford, Rose, Springfield, Independence, Holly don, in the county of Oakland; the election returns shall be made to the clerk's office in the county of Oakland.

6. The sixth district shall consist of the town Salem, Ann Arbor, Northfield, Scio, Webster and Lyndon, in the county of Washtenaw; the election returns shall be made to the clerk's office of the county of Washtenaw.

7. The seventh district shall consist of the town Augusta, Pittsfield, York, Lodi, Saline, Freedom and Manchester, in the county of Washtenaw; the election returns shall be made to the clerk's office of the county of Washtenaw.

8. The county of Monroe shall be the eighth district.

9. The ninth district shall consist of the town Franklin, Cambridge, Rome, Rollin, Woodstock, Medina and Seneca, in the county of Lenawee; the election returns shall be made to the clerk's office of the county of Lenawee.

10. The tenth district shall consist of the townships of Madison, Fairfield, Ogden, Riga, Palmyra, Blissfield, Raisin, Ridgeway, Macon and Tecumseh, in the county of Lenawee; the election returns shall be made to the clerk's office of the county of Lenawee.

11. The eleventh district shall consist of the townships of Spring Arbor, Concord, Pulaski, Hanover, Liberty, Columbia, Napoleon, Grass Lake and Leoni, in the county of Jackson; the election returns shall be made to the clerk's office of the county of Jackson.

12. The twelfth district shall consist of the townships of Waterloo, Henrietta, Rives, Tompkins, Springport, Parma, Sandstone and Jackson, in the county of Jackson; the election returns shall be made to the clerk's office of the county of Jackson.

13. The 18th district shall consist of the townships of Clarence, Battle Creek, Emmet, Marshall, Lee, Convis, Pennfield and Redford, in the county of Calhoun; the election returns shall be made to the clerk's office of the county of Calhoun.

14. The 14th district shall consist of the townships of LeRoy, Sheridan, Marengo, Albion, Eckford, Freedonia, Newton, Athens, Burlington, Tekonsha, Clarendon and Homer, in the county of Calhoun; the election returns shall be made to the clerk's office of the county of Calhoun. The county of Hillsdale shall be the fifteenth district; the county of Branch the sixteenth; the county of St. Joseph the seventeenth; the county of Cass the eighteenth; the county of Berrien the nineteenth; the county of Allegan and Van Buren the twentieth, the returns of election to be made to the clerk's office of the county of Van Buren; and the county of Kalamazoo the twenty-first. The counties of Barry and Eaton shall constitute the twenty-second district, the election returns shall be made to the county seat of Eaton county; the counties of Ottawa, Newaygo, Oceana, Lake, Mason, Grand Traverse, Wexford, Missaukee, Kalamazoo, Omeena, Leelanaw, Antrim and Manistee shall constitute the twenty-third district, the election returns shall be made to the county seat of Ottawa county; the county of Kent shall be the twenty-fourth district; the counties of Clinton, Ionia, Montcalm, Gratiot, Isabella, Mecosta, Oceola and Clare shall constitute the twenty-fifth district, the election returns shall be made to the county seat of Ionia for the year 1852, and to the county seat of Clinton for the year

1854; the counties of Ingham and Shiawassee twenty-sixth district, the election returns shall be made to the seat of justice of Ingham; the county of Livingston seventh district, and the county of Genesee eighth district; the counties of Lapeer, Saginaw, Tuscola, Arenac, Rosecommon, Ogemaw, Iosco, Alcona, Emmet and Cheboygon, shall constitute the ninth district; the election returns shall be made to the county seat of Macomb shall be the thirtieth district; Sanilac and Huron shall constitute the thirty-first district; the election returns shall be made to the county seat of Mackinaw; Chippewa, Marquette, Houghton and Ontonagon shall constitute the thirty-second district; the election returns shall be made to the county seat of Houghton. The election returns of each county forming a district shall be made to the seat of justice of the respective county.

Approved June 27, 1851.

[No. 177.]

AN ACT to organize the county of

Section 1. *The People of the State of Michigan* county of Newaygo shall be organized, and be entitled to all the rights and privileges to which the other organized counties of this State are entitled.

Sec. 2. There shall be elected in the said county on the first Tuesday of November, in the year one thousand and fifty-one, all the several county officers to whom the said county is entitled, and said election shall be conducted and held in the manner prescribed by law for county and State officers: *Provided*, that the persons so to be elected shall be qualified and enter into their respective offices on the first Monday in January next, eight hundred and fifty-two: *Provided further*, that if no officers are elected and qualified, the proper officers of the county of Kent shall perform all the duties appertaining to the said county.

county of Newaygo, in the same manner as though this act had not passed.

Board of
canvassers;
of whom to
consist.

Sec. 3. The board of canvassers in said county under this act shall consist of the presiding inspectors of elections from each township therein; and said inspectors shall meet at the county seat of said county at the time appointed by law for the county canvass, and immediately after the election authorized in the second section of this act, and organize by appointing one of their number chairman and another secretary of said board, and shall thereupon proceed to discharge all the duties of a board of county canvassers, as in ordinary cases of elections for county and State officers.

Approved June 27, 1851.

[No. 178.]

AN ACT to amend Chapter 41 of the Revised Statutes of 1846, "of Taverns and other Licensed Houses."

Chap. 41, R.
S. of 1846
amended.

Section 1. *The People of the State of Michigan enact*, That chapter 41 of the revised statutes of 1846 be amended so as to read as follows:

" CHAPTER 41.

" Of tavern keepers and retailers of spirituous liquors.

Limitation.

"Sec. 1. Any person who shall sell any spirituous liquors, mixed or unmixed, in a less quantity than twenty-eight gallons at any one time, or permit the same to be done in or about any premises occupied by him, either as a tavern keeper or common victualer, or otherwise, without having first given the bond hereafter provided, shall forfeit and pay for each offence a sum not less than twenty-five dollars nor more than one hundred dollars, at the discretion of the court.

Penalty.

Bonds re-
quired.

"Sec. 2. No person shall, as an inn holder or tavern keeper, common victualer, or in any other capacity, sell spirituous liquors in a less quantity than twenty-eight gallons, at any one time, without first giving a bond to the people of this State, in the penal sum of not less than five hundred dollars nor more than one thousand dollars, to be fixed and determined by the proper township, city or village board.

with two or more sufficient sureties, who shall be residents of the county, to be approved by the township board or the corporate authorities of the proper city or village where such person resides and does business, conditioned to pay all penalties and forfeitures that may be incurred by reason of violating any provisions of law regulating the sale of spirituous liquors in a less quantity than twenty-eight gallons at any one time, and to pay all damages that community or individuals may sustain by reason of such traffic, sale or disposal of intoxicating liquors by the person giving the bond; which bond shall be filed in the office of the proper township, city or village clerk, and be subject to the inspection of all persons that may have sustained damages by the improper sale of intoxicating liquors; and a copy of the same, properly authenticated, shall be received in evidence in all courts of justice in this State; and before such sureties shall be accepted, each of them shall justify his responsibility under oath, to be administered by one of the township board, showing that each surety is worth in property unincumbered, liable to execution, over and above all liabilities, at least double the amount of the penalty in said bond; and it shall be the duty of the township, city or village clerk with whom such bond may be filed, to deliver on demand a certified copy of the same to any person who may claim to be injured by such traffic or sale.

Conditions
of bond, &c.

"Sec. 3. Any retailer or seller of spirituous liquors who shall give away spiritous liquors, or cause the same to be done, for the purpose of avoiding the provisions of this chapter, without first giving the bond hereinbefore provided, shall forfeit and pay for each offense a sum not less than twenty-five dollars nor more than one hundred dollars, at the discretion of the court.

Penalty for
giving away
liquors.

"Sec. 4. Any person injured by such sale, or disposing of, or by or in consequence of the intoxication of any person, occasioned by the liquors so sold or disposed of, may have an action of assumpsit against the principal and sureties executing said bond, or either or any of them, and shall be entitled to recover all damages for injury, loss or detriment occasioned thereby; and it shall be sufficient to allege in the declaration in such action, that the principal in said bond, naming him, at some place in the county in which the action is brought, (naming such place,) at such time or times, between two certain

Liability of
seller in cer-
tain cases.

days, to be therein mentioned, (and which shall not embrace a period of over thirty days,) sold or gave away intoxicating liquor to some person, (naming him,) and that in consequence of such sale or giving away, the plaintiff has suffered damages to an amount therein to be stated.

Married woman may institute suit.

"Sec. 5. Any married woman may institute and maintain in her own name, a suit on any such bond, in the manner provided in the preceding section, for all damages sustained by herself or children, occasioned by the sale of spirituous liquors by the person giving the bond; and the money recovered shall be paid over to her for the use of herself and children; and in any action to be brought under this act by the wife or any minor child or children of any person who has been intoxicated by the liquor so sold, disposed of or given away, any destruction or injury of property, though it be the property of the person who has been so intoxicated, and any loss of time, though of the person so intoxicated, as well as any injury to the property or person of such wife, or any of the minor children of such intoxicated person, shall be allowed as damages in such cases.

Term of bond.

"Sec. 6. Such bond shall remain in force for six years, and the person executing the same shall be liable to an action thereon at any time within one year from the time the cause of action accrued; they, or any of them, shall also be liable to be prosecuted on said bond for all damages, penalties and forfeitures which may arise to the public from such sale, in the manner provided in chapter one hundred and twenty-eight of the revised statutes of eighteen hundred and forty-six, for the recovery of penalties and forfeitures, &c. It shall be the duty of the township boards of the several townships in this State, and the proper authorities of incorporated cities and villages, to require new bonds at least once in two years, and as much oftener as they may deem the public good requires; and every person, on notice, failing to give a new bond as above provided, who sells or gives away spirituous liquors thereafter, shall immediately thereupon become liable to all the provisions of this act, for such subsequent selling or giving away, in the same manner he would be if he had never executed such bond.

Bonds may be renewed.

"Sec. 7. Every tavern keeper shall at all times be furnished with suitable provisions and lodging for strangers and travelers, and sta-

ble room, hay and provender for their horse shall not at all times be so provided, he shall be liable to a fine of five dollars for each offence.

"Sec. 8. Every common victualer shall be licensed, and be subject to all the duties and regulations of the keepers, excepting that he shall not be required to provide for travelers, nor stable room, hay and provender.

"Sec. 9. Every tavern keeper and common victualer shall have a board or sign conspicuously placed in some conspicuous place near the same, with reference to the employment which he pursues, on pain of a fine of five dollars.

"Sec. 10. If any tavern keeper shall, without reasonable cause, to receive and maintain any stranger, or strangers and travelers, and their horses and carriages, and be guilty of a misdemeanor, and on conviction thereof be punished by a fine not exceeding fifty dollars.

"Sec. 11. No tavern keeper, common victualer, or any person who keeps or sells spirituous liquor shall have or keep in or about his house, or in any ings, yards, or gardens, or their dependencies, any cards, tables, or other implements used in gaming; nor shall any person resorting there to use or exercise any of the same, on pain of forfeiting ten dollars for each offence.

"Sec. 12. Any person who shall use or exercise any of the aforesaid in or about any such house or building, or in any common victualer, shall forfeit the sum of ten dollars for each offence.

"Sec. 13. No retailer of spirituous liquors shall sell any such liquor to drink to drunkenness or excess in his premises, on pain of five dollars for each offence, nor suffer any person to be accepted, to have any strong drink there without the consent of the parent or guardian of such minor, on pain of five dollars for each offence.

"Sec. 14. No suit shall be entertained by any person to recover a demand for spirituous liquors exceeding twenty-eight gallons at any one time; nor shall any person be made to appear to any court before which a suit shall be brought.

a promissory note or other account, that such note was given or such account made up in whole or in part for spirituous liquor by retail, such whole or part of such account shall be disallowed by the court.

Penalty for
disposing of
liquor to In-
dians.

"Sec. 15. Every tavern keeper, common victualer, or other person, who shall give, sell or dispose of any spirituous liquor, wine, mixed liquor, or other intoxicating drink, to any male or female Indian, or to any common drunkard, shall forfeit for each offence the sum of twenty dollars.e

Penalty for
disposing of
liquor to
prohibited
persons.

"Sec. 16. If any retailer of spirituous liquors, or other persons shall sell or give any intoxicating liquor to any person of intemperate habits, when forbidden in writing by the wife, relative or guardian of such person, the person so offending shall forfeit for each offence the sum of twenty dollars, to be recovered in an action of debt, with costs of suit, by the wife, (in her own name,) relative or guardian of such person; and if by the wife, the amount recovered shall be for her benefit; and if by the relative or guardian, it shall be for the benefit of the family injured.

Township
board may
prohibit the
sale of
liquor to
certain per-
sons.

"Sec. 17. When any person shall, by excessive drinking of spirituous liquors, so mis-spend, waste or lessen his estate, as thereby to expose either himself or his family to want or indigent circumstances, or the township, city or county to which he belongs to expense for the maintenance of him or his family, the township board of the township in which such spendthrift lives, shall, in writing, under their hands, forbid all tavern keepers, common victualers and retailers of the same township to sell him any spirituous or intoxicating liquors for the space of one year; and they may, in like manner, forbid the selling of any such liquors to such spendthrift by such of any other township to which the said spendthrift may resort for the same; and the clerk of each incorporated city or village shall, under the directions of the city or village boards, issue a like prohibition as to any such spendthrift, living in such city or village.

Renewal of
prohibition.

"Sec. 18. The said township, city or village board shall in the same manner, from year to year, renew such prohibition, as to all such persons as have not, in their opinion, reformed within the year; and if any tavern keeper, common victualer, or retailer shall, during such prohibition, give, sell or dispose of, to any such prohibited per-

son, or for his use, any such spirituous or shall forfeit for each offence the sum of tw

"Sec. 19. When said township, city or cution of the foregoing provisions, shall he spirituous liquors to any such spendthrift, i knowledge of such prohibition, give or sell for, or in behalf of such prohibited person, spirituous or intoxicating liquors, he shall f sum of twenty dollars.

"Sec. 20. If any common victualer or quors, other than an inn holder or tavern ke house, cellar, store, shop, or other place of the first day of the week, or on the evening week, at a later hour than ten o'clock, a therein by selling him any spirituous liquor fence the sum of ten dollars.

"Sec. 21. All moneys recovered for a v or provisions of this chapter, if the suit be alty, forfeiture or damages to the public, sh ury of the township, city or village where t ted, and shall be appropriated to the supp braries in such township, city or village. such township, city or village, may institute alty, forfeiture, or public damages, in the n State of Michigan, in manner aforesaid.

"Sec. 22. This act shall take effect in nir affect any licenses that may be in force du they were granted."

Approved June 27, 1851.

[No. 179.]

AN ACT supplementary to an act to defin and powers of Circuit Courts, approved ding the mode of trying causes in the jury.

Section 1. *The People of the State of Mich* entitled "an act to define the limits, jurisdic

courts," approved April 8, 1851, be and the same is hereby amended by adding a new section to come in between sections eighteen and nineteen of said act, and to be numbered nineteen, as follows:

Decision of
court; where
filed.

"Sec. 19. Upon the trial of a question of fact by the Court, without a jury, the decision of the court shall be given in writing and filed with the clerk within twenty days after the court at which the trial was had. In giving the decision, the facts found shall be first stated, and then the conclusion of law upon them. In case any exception shall have been taken or objection made to the admission of evidence on the trial, such decision shall state the exceptions, objections, and the ruling of the court thereon, and whether the evidence was admitted or rejected; and upon filing such decision with the clerk he shall thereupon enter judgment as of the term at which such cause was tried. Either party may except to a decision on a matter of law arising upon such trial or decision, within ten days after notice of such decision, in the same manner and with the same effects as upon a trial by jury; and either party desiring a review upon the evidence appearing upon the trial, either of the questions of law or facts, may at any time within ten days after notice of the judgment, make a case for the decision of the supreme court, containing

When judgment to be entered, &c.

When cases may be decided by supreme court

so much of the evidence as may be material to the questions to be raised. The case, unless agreed upon by the parties or their attorneys, shall be settled under the direction of the judge who tried the cause, or in such other manner as shall be required by the rules of court to be established by the supreme court."

Approved June 27, 1851.

[No. 180.]

AN ACT to amend an act entitled an act to provide for the election of a District Judge and Regent of the University in the Upper Peninsula, approved April 7, 1851.

Section 1. *The People of the State of Michigan enact*, That the title of the act entitled "an act to provide for the election of a District Judge and Regent of the University in the upper peninsula," approved April seventh, eighteen hundred and fifty-one, be amended by inserting after the word "Judge," the words "District Attorney;"

Title of act
No. 131 of
of 1851 amended.

so that said title as amended shall read as for the election of a District Judge, District Attorney for the University in the upper peninsula."

Sec. 2. That section one, line nine, of inserting after the word "Wayne," the following: "District Attorney for said district, who shall be elected on the last Tuesday of September, in the year eighteen hundred and fifty-one, and on the last Tuesday of September, every two years thereafter;" section as amended will read as follows:

"Section 1. *The People of the State of Michigan* shall hold general elections in the several townships of the State denominated the upper peninsula, section one, article nineteen of the revised constitution, on the last Tuesday of September, in the year eighteen hundred and fifty-one, and on the last Tuesday of September, every two years thereafter; at which there shall be elected one District Judge, one District Attorney for said district, and one Regent of the University, in conjunction with the election of the District Attorney for said district, and one District Attorney for said district, who shall be elected on the last Tuesday of September, in the year eighteen hundred and fifty-one, and on the last Tuesday of September, every two years thereafter; which elections shall be passed, certified, recorded, and the result thereof shall be reported to the Legislature in the next session, in conformity with the act entitled 'an act to provide for the election of the Regents of the University,' approved March 14, 1851, and fifty-one."

Sec. 3. This act shall take effect immediately.
Approved June 28, 1851.

[No. 181.]

AN ACT to amend an act entitled an act to amend the General Elections in the Upper Peninsula,

Section 1. *The People of the State of Michigan* one, lines eight and nine, of the act entitled "an act to amend the General Elections in the upper peninsula," be amended by striking out after the year 1851,"

words "one district attorney;" so that said section as amended, will read as follows:

General
election.

Officers to
be elected.

"Section 1. *The People of the State of Michigan enact*, That a general election shall be held in the several townships and wards of that portion of the State denominated the Upper Peninsula, as described in section one, article nineteen of the revised constitution, and such other territory as may be attached thereto for election purposes, on the last Tuesday of September, A. D. 1852, and on the last Tuesday of September every two years thereafter; at which time shall be elected one Senator and three Representatives in the State Legislature, and such county officers as are authorized by law to be elected in the several counties of this State, except prosecuting attorneys; which election shall be notified, conducted, canvassed, certified, determined and recorded in all respects, as near as may be, according to the provisions of law relative to holding general elections, except as to the time above mentioned, and as is hereinafter provided."

Sec. 2. This act shall take effect immediately.

Approved June 28, 1851.

[No. 182.]

AN ACT to provide for an early redemption of Internal Improvement Warrant Bonds.

Certificates
of stock and
bonds; when
redeemed.

Section 1. *The People of the State of Michigan enact*, In pursuance of the proviso to section two of an act to provide for funding the outstanding internal improvement warrants of this State, and the interest due thereon, and also for liquidating and funding the amount of principal and interest actually due upon the part paid five million loan bonds, approved April 1, 1848, that all certificates of stock and bonds, heretofore issued, as provided for in the first section of above recited act, shall be redeemable forthwith, or at any definite period prior to the first day of January, 1870, at the option of the State. And any such bonds which may have been issued, redeemable upon notice, shall be redeemable as provided in such bonds; and whenever the Auditor General shall cause a notice to be given in a daily paper published in the city of Detroit, to be published for eight weeks

in succession, that the said certificates of
of them, (describing them by dates, and
redeemed when payable, all interest
bonds, if not sooner presented, shall be
months from the date of the first publication.
That the first bonds issued under the provisions
said above recited act, shall be the first bonds
provided.

Sec. 2. This act shall take effect immediately.
Approved June 28, 1851.

[No. 183.]

AN ACT to amend Sections 32, 48 and
21 of the Revised Statutes of 1846, relating to

Section 1. *The People of the State of Michigan*
forty-eight of chapter ninety-three of title
statutes of eighteen hundred and forty-six
by amended so as, when amended, to read

"Sec. 48. If the amount of the set-off due
to the plaintiff's debt, judgment shall be
with costs; if it be less than the plaintiff's
have judgment for the residue only, with costs
the plaintiff's debt, and the balance found due
the plaintiff in the action be three hundred
dollars, judgment shall be rendered for the defendant for
costs, and execution shall be awarded as upon
brought by him; but no such judgment shall be
the plaintiff when the contract which is the subject
have been assigned before the commencement of the
any balance due from any other person than the
plaintiff."

Sec. 2. That section forty-nine of the chapter
same is hereby amended so as, when amended,

"Sec. 49. If the balance found due the
hundred dollars, the justice shall set off so much
demand against the plaintiff's debt as shall

if requested to do so by the defendant, and shall render judgment for the defendant for his costs; but if the defendant shall not require such set-off, the justice shall render judgment of discontinuance against the plaintiff, with costs to the defendant, and the defendant may thereafter sue for and recover his demand in any court having cognizance thereof."

Sec. 32 amended.

Attachment not being personally served, cause may be continued, &c.

Sec. 3. That section thirty-two of said chapter be so amended as, when amended, to read as follows:

"Sec. 32. If the attachment shall not be personally served upon any of the defendants, and none of the defendants shall appear on the return day thereof, the justice shall, upon the request of the plaintiff, adjourn the cause not less than three nor more than ten days, and thereupon issue a summons in the same suit, returnable on said adjourned day; and if the summons shall be returned personally served, the justice may, at the return day thereof, proceed therein as in other cases of personal service; but if, upon diligent search and inquiry, the defendants or any of them cannot be found, then the justice shall continue the cause for three months; and in such case no hearing shall be had or judgment rendered thereon until the expiration of that time, unless the defendants shall sooner appear and request a trial, in which case the justice shall appoint a day for the trial of such suit and cause, notice thereof to be given to the plaintiff: *Provided*, That when no trial is sooner had under the provisions of this section, and the cause remains adjourned for said three months, if said adjourned day falls on Sunday, or the first day of the week, the justice shall proceed with the trial of said cause on the Saturday next preceding the adjourned day thereof, and at or during the hour named in said adjournment."

Approved June 28, 1851.

[No. 184.]

AN ACT to prohibit the maintaining of suits in equity by judgment creditor's bill, to provide a remedy at law in lieu thereof, and to repeal sections twenty-four and twenty-five of chapter ninety of the revised statutes of eighteen hundred and forty-six.

Section 1. *The People of the State of Michigan enact, That when an execution against property of the judgment debtor, issued to the*

sheriff of the county in which he resides, State, to the sheriff of the county in which he is located, shall be returned unsatisfied in whole or in part, the creditor may obtain an order from the judge of the court in which the judgment was obtained, or from the judge of the county in which the defendant resides, or from the circuit court commissioner of any such county, requiring the debtor to appear and make discovery on oath of any debts due or to become due to him by the judgment debtor, at the time and place specified in the order.

Sec. 2. Witnesses may be required to attend and testify in any proceeding under this act, in the same manner as in any other issue in the circuit court. And upon the satisfaction of such judge or commissioner, the party of the judgment debtor, or is indebted to the judgment debtor, may issue an order requiring the witness to appear at a specified time and place, and be examined on oath of the same. Such judge shall take written note of the material facts stated by any party or witness in any proceeding.

Sec. 3. If the party or witness reside in any other county than the county in which the order is made, he shall be required to attend the circuit court for such county; if in any other county, he shall be required to attend as provided in section seven of this act; in any other case, the examination shall be taken in writing and certified to the court.

Sec. 4. The judge may order any property of the judgment debtor, or not exempt from execution, in the hands of any other person, or any property, debt or demand of any other person, to the judgment debtor, and not exempt as provided in section seven of this act, on execution towards the satisfaction of the judgment, to be made liable to the judgment debtor, or to be issued on the judgment.

Sec. 5. The judge may also, by order, require the judgment debtor, with the witnesses heretofore appointed by courts of equity, to appear and make discovery on oath of any debts due or to become due to him by the judgment debtor, and any interference with the judgment debtor, and any interference

order shall have the like effect as an injunction from a court of equity.

**Interest in
property of
judgment
debtor; how
recover d.**

Sec. 6. If it appear that a person so brought before the judge by the aforesaid judgment creditor, claims an interest in the property of the judgment debtor, adverse to him, such interest shall be recovered only in an action by the receiver; but the judge may by order forbid a transfer or other disposition of such interest, till a sufficient opportunity be given to the receiver to commence the action; but such receiver shall bring no action, unless at the request of the judgment creditor, and at his expense in case of failure, and he may require such reasonable security against all costs as he may think proper, before commencing such action.

**Appointment
of referees.**

Sec. 7. The judge may in any case order a reference to a referee agreed upon or appointed under this section, provided to take and report the evidence; or if agreed upon, to report the fact as found by such referee. If the parties or their attorneys agree upon such referee, the court shall appoint the person so agreed upon; if they do not agree, the judge shall appoint some competent and disinterested person as such referee.

**Expenses of
witness, &c**

Sec. 8. The judge may allow to any party or any witness so examined, his traveling expenses, and such sum in addition, as costs, as he shall deem reasonable, not exceeding thirty dollars.

**Liability of
witness.**

Sec. 9. If any party or witness shall disobey any order of the judge, made in pursuance of this act, and duly served, such party or witness may be punished by such judge, as for a contempt, in the same manner as the circuit court may punish for contempt.

**Record of
proceedings**

Sec. 10. Any of the proceedings authorized by this act to be had before the judge, may be had before him in court at any session of the circuit court or at chambers; and when had before such judge at chambers, all orders made by him, and the papers on which the same were founded, shall, within five days after such order, be delivered by such judge, together with the evidence taken by him, or any referee, to the clerk of the circuit court for his county, and shall be by him filed and preserved in his office, which shall constitute the record of the proceedings, and copies thereof, certified by such clerk, shall be conclusive evidence of the order and proceedings therein stated.

Sec. 11. Any final order made in pursuance of the provisions of

sections four, five, six, or eight, of this act, and the force and effect of a decree of a court of equity in the practice of such courts at the time of the making of such order, and any such order in respect to real estate, may, if not appealed from, be recorded in the register of deeds of the county in which such

Sec. 12. Any final order made under any fourth, fifth, or sixth sections of this act, by the supreme court, within twenty days after complying with the following provisions: That he make an affidavit, setting forth the particulars in the proceedings or order, and shall deliver the court in which the papers are filed. To be for any purpose, the following provisions in the judgment creditor appeal, he must, with the clerk, enter into a written undertaking, with sureties, the clerk, unless their sufficiency be admitted to the effect that the appellant will pay all costs may be awarded against him on the appeal, in red dollars; or that sum may be deposited with the order is entered. Such undertaking or by the written consent of the opposite party. by any other party than the judgment creditor appealed from, be for the payment of money or property, a written undertaking must be executed by a person on his behalf, with two sureties, who shall unless their responsibility be admitted as before the amount of the money or property ordered, to the effect that if the order appealed from be affirmed, the appellant will pay the amount deliver the property in as good condition as of the appeal, as shall be determined on appeal costs which shall be awarded against the appellant appealed from direct the assignment or delivery by the appellant, the papers ordered to be filed, must be delivered to the clerk with whom filed, or placed in the hands of such officer or

having made the order shall direct, to abide the event of the appeal, and subject to the order of the supreme court. If the order appealed from direct the sale of the real estate of the appellants or the delivery of possession by them, a written undertaking must be entered into by him, with two sureties, satisfactory to the judge making the order, and filed with such clerk, to the effect that during the possession of such property by him, or any person holding under him, he will not commit or suffer any waste thereon, and that if the order be affirmed he will pay the value of the use of such property from the time of the appeal until the delivery of possession thereof.

• Proceedings
in case of
appeal.

Sec. 13. When all acts, matters and things required by the last preceding section shall have been done by the appellant, notice that such appeal has been taken shall be given in writing to the opposite party or his attorney, if either is to be found in the county; if not, such notice may be left with such clerk, and upon proof to such clerk that such notice has been given as aforesaid, such clerk shall, within ten days, attach together all the orders in the proceedings appealed from, and all the affidavits upon which any of them are founded, in the order of their dates, and shall attach thereto all the testimony and examinations of parties and witnesses, which shall have been filed with him in relation thereto, and shall certify them under the seal of the circuit court, and cause the same to be delivered to the proper clerk of the supreme court, and the same shall be filed by such clerk in the supreme court, and thereupon the supreme court shall be possessed of the cause.

Supreme
court may
reverse or
order appeal-
ed from.

May order a
re-hearing.

Final de-
cree.

Sec. 14. On such appeal the supreme court may reverse, affirm or modify any such order appealed from, in any particular complained of in the affidavit upon which the appeal is founded. They may, for that purpose, look into all the proceedings, and the facts as stated in the evidence returned on the appeal; and they may order a re-hearing of the whole matter, or any part thereof, before the judge making the order, or they may make such final order in the premises and award such costs as justice may require; and such last named order shall have all the force and effect of a final decree in a court of equity, according to the laws existing at the time of the passage of this act; and may be recorded in the same manner and enforced under such general or special rules as said court may adopt.

Sec. 15. After the issuing of execution by any court against or for the taking of any property, any person indebted to the judgment debtor may pay to the officer having the execution the amount of his debt, or so much thereof as shall be necessary to satisfy the execution, and the receipt of the officer having such execution shall be a sufficient discharge therefor.

Receipt of officer to be discharge of debt due to judgment debtor.

Sec. 16. Sections twenty-four and twenty-five of chapter ninety of the revised statutes of eighteen hundred and forty-six, are hereby repealed; and after this act shall take effect, no bill in equity shall be instituted or maintained, except such cases as may be then pending for the discovery of any property, money or things in action belonging to the defendant in such judgment, or held in trust for him.

Sec. 24 and 25 of chap. 90 of R. S. of 1846 repealed.

Approved June 28, 1851.

[No. 185.]

AN ACT to provide for holding terms of the District Court in the Upper Peninsula.

Section 1. *The People of the State of Michigan enact*, That there shall be held by the district judge in that portion of the State dominated the upper peninsula, eight terms of the district court in each year, to wit: two terms at the county seat of the county of Mackinac, two terms at the county seat of the county of Chippewa, two terms in the county of Ontonagon, and two terms at the county seat of the county of Houghton.

Approved June 28, 1851.

[No. 186.]

AN ACT to amend sections sixty-eight and seventy-four of an act to consolidate the laws in relation to county courts, and for other purposes, approved April 2, 1849, and to provide for the removal of causes from said county courts to the circuit courts, approved April 7, 1851.

Section 1. *The People of the State of Michigan enact*, That section three of an act entitled "an act to amend an act to amend sections sixty-eight and seventy-four of an act to consolidate the laws in re-

Sec. 3 of act No. 138 of 1851 amended.

lation to county courts, and for other purposes, approved April second, eighteen hundred and forty-nine, and to provide for the removal of causes from said county courts to the circuit courts," approved April seventh, eighteen hundred and fifty-one, be amended so that the same, when amended, shall read as follows, viz:

Transfer of
causes to
circuit
court.

"Sec. 3. Either the plaintiff or defendant in any civil suit, or the appellant or appellee in any certiorari writ, or the prosecuting attorney or the defendant in any cause criminal, may, at his or either of their option, elect to have such cause or writ, and the return or returns thereto transferred to the circuit court of the county for trial or argument; and in case of electing to have the same [so] transferred, an entry thereof shall be made in the journal or records of the county court; and the clerk thereof shall thereupon transfer and file all the papers in such cause, or under the writ aforesaid, in the circuit court for his county; *Provided*, That neither party lose any rights by such transfer which he would have had if the same had been tried in the county court; but all the subsequent proceedings shall be the same, as far as practicable, as if said causes had been originally brought in, or said writs made returnable to, the circuit court, so far, and so far only, as the same can be done without impairing the rights or the remedy which either party would have had if such cause had remained in the county court."

Entry of
transfer;
where made

Sec. 2. This act shall take effect immediately.

Approved June 28, 1851.

[No. 187.]

AN ACT to provide for the sale and reclaiming of swamp lands granted to the State, and for the disposition of the proceeds.

Basis.

Section 1. *The People of the State of Michigan enact*, That they adopt the notes of the surveys on file in the surveyor general's office, as the basis upon which they will receive the swamp lands granted to the state by an act of Congress of September 28, 1850.

Minimum
price of
land.

Sec. 2. The minimum price of said lands shall be seventy-five cents per acre, and shall not be sold for less. All the moneys received from the sale of said lands shall be and remain a fund for the purpose of reclaiming said lands in conformity to the provisions of the grant.

Sec. 3. The Commissioner of the State Land Office shall have the control and supervision of said land, and he shall, as soon as the title vests in the State, or at public auction, at such times and in such manner as he may think proper, and shall cause thirty days' notice of sale to be published in all the counties of this State in which a newspaper is published. After the publication of the residue of said lands may be sold in the manner provided by law for the sale of primary school lands, except as herein otherwise provided.

Sec. 4. On the sale of any of the said swamp lands, the commissioner shall make out and deliver to the purchaser a certificate, containing a description of the same, the date of the sale, and the name of the purchaser, and forthwith upon presentation thereof at the office of the State Land Office, the purchaser shall be entitled to a patent from the Governor, for the lands therein described.

Sec. 5. All moneys accruing to said fund of swamp lands aforesaid shall be loaned to the State, and from the same shall be paid by the State and the fund aforesaid.

Sec. 6. Said lands shall only be sold in the sections in which they shall be received by the State, and said lands be subject to private entry until they are offered for sale at public auction as herein above provided.

Sec. 7. The Commissioner of the Land Office shall be required to procure all necessary books, maps or plats which may be required for the speedy and systematic transaction of the office, and all proper charges for the same shall be paid from the fund aforesaid.

Sec. 8. This act shall take effect immediately.
Approved June 28, 1851.

[No. 185.]

AN ACT supplementary to the acts incorporating

Section 1. *The People of the State of Michigan*
The common council of the city of Detroit shall consist

corder and sixteen aldermen; and the mayor or recorder, and a majority of the aldermen, shall constitute a quorum.

Sec. 2. This act shall take effect immediately.

Approved June 28, 1851.

[No. 189.]

AN ACT to amend sections two and three of, and supplementary to, an act entitled "an act to incorporate the Copper Falls Mining Company," approved March 15, 1848.

Sec. 2 of act
No. 74 of
1848 amended.

Section 1. *The People of the State of Michigan enact*, That section two of an act entitled "an act to incorporate the Copper Falls Mining Company," approved March fifteen, eighteen hundred and forty-eight, be and the same is hereby amended by striking out in the third line thereof the words "one hundred," and substituting the word "thirty;" so that said section shall read:

Capital
stock.

"Sec. 2. The said company shall have corporate succession, its capital stock shall be three hundred thousand dollars, divided into shares of thirty dollars each; and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan as shall be necessary for the exercise of its corporate franchises."

Sec. 3 amended.

Sec. 2. That section three of the act to which this act is amendatory be and the same is hereby amended so as to read:

Officers of
company.

"Sec. 3. The officers of said company shall consist of a president, a board of five directors, including the president, who shall be one thereof, a secretary and treasurer, who may, however, at the pleasure of the company, be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company, by its by-laws, may prescribe: *Provided*, That one of the directors shall at all times be a citizen and resident of the State of Michigan, upon whom service of all process against said company may be made, and such service shall be deemed a valid service as against the said Copper Falls Mining Company: *And provided further*, That said company shall at all times be subject to such general laws as are now in force or may hereafter be passed, in reference to

Proviso.

Proviso.

the commencement and prosecution of suits, process against corporations."

Sec. 3. The said company shall not be exempted from the benefits or provisions of this act, unless, within thirty days after the passage, the said company shall cause a certificate of the provisions of this act, signed by its president and a majority of its directors, to be filed in the office of the State.

Approved June 28, 1851.

[No. 190.]

AN ACT to amend section two of an act to incorporate the North American Mining Company, approved March 30, 1848.

Section 1. *The People of the State of Michigan* amend section two of an act entitled an act to incorporate a mining company of Detroit, approved March 30, 1848, so that the same is hereinafter amended, by striking out in the third line thereof the words "one hundred and forty-eight be and the same is hereinafter amended," and inserting the word "thirty," so that said section shall read as follows:

"Sec. 2. The said company shall have a capital stock shall be three hundred thousand shares of thirty dollars each; and said company shall hold such real and personal estate in the upland as shall be necessary for the exercise of its business."

Sec. 2. The said company shall at all times be subject to the general laws as are now in force or may hereinafter be enacted in relation to the commencement and prosecution of legal process against corporations.

Sec. 3. The said company shall not be exempted from the benefits or provisions of this act, unless within thirty days after the passage the said company shall cause a certificate of the provisions of this act, signed by its president and a majority of its directors, to be filed in the office of the State.

Approved June 23, 1851.

[No. 191.]

AN ACT supplementary to an act entitled "an act to incorporate the New England Mining Company," and to change the name of said company to that of the New England Iron Company.

Title of act
No. 167 of
1848 amen-
ded.

Section 1. *The People of the State of Michigan enact, That the title of an act entitled "an act to incorporate the New England Mining Company," approved April 1, 1848, be amended by striking out "Mining," and inserting in lieu thereof "Iron;" so that said title will be as follows: "An act to incorporate the New England Iron company."*

Sec. 1 a-
mended.

Sec. 2. Section one of said act is hereby amended, by striking out the word "mining," and inserting in lieu thereof "iron;" so that said section as amended will be as follows:

Incorpora-
tion.

"Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That Garwood T. Sheldon, J. P. C. Emmons, of Michigan, and Amos Thompson of Boston, and others who shall become associated with them, are hereby constituted a body corporate by the name of the New England Iron company, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the State of Michigan.*"

Sec. 2 a-
mended.

Sec. 3. Section two of said act is hereby amended by striking out the words "one hundred," and inserting in lieu thereof, "thirty;" so that said section as amended will read as follows:

Capital
stock, real
estate, &c.

"Sec. 2. The said company shall have corporate succession, and its capital stock shall be three hundred thousand dollars, divided into shares of thirty dollars each; and said company may acquire and hold such real and personal estate in the State of Michigan as shall be necessary for the exercise of its corporate franchises."

Subject to
general laws

Sec. 4. Said company shall at all times be subject to such general laws as are now in force, or may hereafter be passed in reference to the commencement and prosecution of suits, and the service of legal process against corporations.

Certificate
of accept-
ance; where
filed.

Sec. 5. The said company shall not be entitled to any of the benefits or provisions of this act, unless, within six months after its passage, the said company shall cause a certificate of its acceptance of the provisions of this act, signed by its president and secretary, or

the majority of its directors, to be filed in
of State.

Approved June 28, 1851.

[No. 192.]

AN ACT to amend section three of an act to
regulate the formation of corporations for man-
ufacturing iron, copper or silver ores.

Section 1. *The People of the State of Michigan*
three of the act entitled "an act to authori-
zations for mining, smelting or manufacturi-
ng ores," approved April eighth, eighteen hundred
and thirty, amended so that the section as amended will

"Sec. 3. The stock, property and business
shall be managed by not less than three non-
resident stockholders, who shall each be stockholders in such
of the United States, and one-third of whom shall be
State, who shall, except for the first year, be
stockholders at the business office of said corporation,
as the by-laws of said corporation shall provide,
of the time and place of holding such election,
less than thirty days previous thereto, in some
the city of Detroit; and the election shall be
by persons that shall attend such meeting, either in person
elections shall be by ballot, and each stockholder
entitled to as many votes as he holds shares of
the corporation; and the persons receiving the greatest number
directors; and when any vacancy shall happen, it
shall be filled in such manner as the by-laws
may provide."

Sec. 2. This act shall take effect immediately.

Approved June 28, 1851.

[No. 193.]

AN ACT to repeal an act entitled an act to
incorporate the St. Mary's Church, and
three, four, six, thirteen, seventeen and nineteen
an act to incorporate the St. Mary's Church,
March 17, 1847, approved April 8, 1851.

Section 1. *The People of the State of Michigan*

Act repealed.

entitled an act to amend sections one, three, four, six, thirteen, seventeen and nineteen, of an act entitled "an act to incorporate the St. Mary's Canal company, approved March seventeenth, one thousand eight hundred and forty-seven," approved April eighth, one thousand eight hundred and fifty-one, be and the same is hereby repealed.

Sec. 2. This act shall take effect immediately.

Approved June 28, 1851.

[No. 194.]

AN ACT to amend sections one and two of, and supplementary to, an act to incorporate the Medora Mining company, approved March 28, 1848, and to change the name of said company to that of the Agate Harbor Mining company.

Sec. 1 and 2
of act No.
196 of 1848
amended.

Section 1. *The People of the State of Michigan enact*, That sections one and two of an act to incorporate the Medora Mining company, be so amended as to read as follows:

Name changed to Agate Harbor mining company.

"Section 1. *The People of the State of Michigan enact*, That George C. Bates, Orville B. Dibble and Chauncey Bush, and others who shall become associated with them, are hereby constituted a body corporate by the name of the Agate Harbor Mining company, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of Michigan.

Capital stock, real estate, &c.

"Sec. 2. The said company shall have corporate succession, and its capital stock shall be two hundred thousand dollars, divided into shares of twenty-five dollars each; and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan as shall be necessary for the exercise of its corporate franchises."

Subject to general laws

Sec. 2. The said company shall at all times be subject to such general laws as are now in force, or may hereafter be passed, in reference to the commencement and prosecution of suits, and the service of legal process against corporations.

Certificate of acceptance; where filed.

Sec. 3. Said company shall not be entitled to any of the benefits of this act, unless within six months after the passage of this act, a certificate, signed by the president and a majority of the directors of said company, shall be filed in the office of the Secretary of State of

the State of Michigan, setting forth that said
ed of and assented to all the provisions of th

Approved June 28, 1851.

[No. 195.]

AN ACT making appropriations to defray
ized for the year eighteen hundred

Section 1. *The People of the State of M*
following sums be and the same are hereby
general fund to defray certain expenses a
eighteen hundred and fifty-one:

To Oliver W. Moore, Secretary of the Se
preparing for publication, making indexes a
publication of the Senate journal and docum
islature, at its last session, two hundred dolla
session fifty dollars, to be paid on the certifi
State, that the work has been correctly done;
clerk of the Senate, the sum of six cents per
copy of the journals of the Senate of the last
the legislature, to be paid on the certificate of
(who shall certify the number of folios,) that t
rectly done, and deposited in his office; to the
sing, such sum as may be due him for postage
bers of the Senate and House of Representa
present session, under the act relative to pos
thirteenth, eighteen hundred and fifty-one, to
Treasurer, on presentation of his account, dul
that there be appropriated for the contingent fun
ing six thousand dollars, out of which the Gro
tary, if retained, or another employed, shall be
order of the Governor; for building fire-proof
on, a sum not exceeding five hundred dollars; 1
& Co., fifteen dollars for publishing time of 1
to A. S. Bagg, fifty dollars for stationery furni
Senate and Clerk of the House of Representative
of both houses, for engrossing and enrolling and

tion the journals and documents of the last and present session of the legislature; to C. A. Hedges fifty-eight dollars and forty cents, for stationery furnished committee of supplies for use of the officers and committees of the Senate; to Jas. A. Bascom, eighteen dollars and fifty-five cents, for stationery furnished committee of supplies for use as aforesaid; to S. W. Wright & Co., nine dollars and nine cents, for stationery furnished committee of supplies for use as aforesaid; to B. F. Bush, for stationery furnished as aforesaid, thirty-six dollars and seventy-seven cents; to J. B. Clark, for stationery furnished as aforesaid, forty-nine dollars and ninety-one cents; to H. Gibbs, for repairs and work for Senate Chamber, twelve dollars; to W. W. Upton, for stationery furnished President of the Senate, five dollars and twenty-five cents; to Ezra Willis, for making paste, three dollars; to the Postmaster, post master at Lansing, five dollars, for postage on reported debates of the Senate; to S. W. Wright & Co., for stationery furnished Senate, three dollars and eighty-eight cents; to the State Librarian, to purchase a set of meteorological instruments for the State Library, and freight on the same, fifty dollars; to E. R. Sanford, one dollar, for paste furnished the Senate; to David McClure, for sundries, eighty-eight cents; to R. W. Ingals, for printing circulars for House, and yeas and nays for House and Senate, twenty-seven dollars and fifty-cents; to R. W. Ingals, for mailing journals to newspapers, sixty dollars; to Horace S. Roberts, clerk of the Senate, for necessary enrolling after the adjournment of the last and present sessions of the legislature, and such assistance as may be required, such sums as may be certified to by the President of the Senate to the State Treasurer; to O. W. Moore, for filing and regulating the papers of his office, after the adjournment of the legislature at its last session, thirty dollars; for repairs upon the State prison, three hundred dollars. There is also appropriated out of the general fund, such sums as may be necessary to pay warrants that may be drawn by the Auditor General upon claims allowed by the board of State Auditors, or upon warrants drawn by said board. The sum of twelve dollars each to the reporters of the Senate and House of Representatives for traveling fees; to the widow of E. J. Roberts, sixty dollars, it being the amount which would have been

due him for services at this session of Hedges, for stationery furnished the House ; to H. S. Roberts, for four days served the House, and four days in closing up the four dollars.

Sec. 2. To D. P. Bushnell, Clerk of the House, for making indexes to and superintending House journals and documents of the last Legislature, and for closing up the business of said sessions, two hundred and eighty dollars; the certificate of the Secretary of State thereon to be correctly done.

Sec. 3. To D. P. Bushnell, Clerk of the House, the sum of six cents per folio for making a list of the House of Representatives at the last Legislature, to be paid upon the certificate of the Clerk, (who shall certify the number of folios,) that the same have been done and deposited in his office.

Sec. 4. To John F. Stewart, Assistant Enrolling Clerk, for enrolling after the adjournment of the last session, such assistants as may have been required, to be certified to by the Speaker of the House to the amount of the same.

Sec. 5. To W. W. Phelps, Enrolling Clerk, for enrolling after the adjournment of the present session, and such assistants as may be required, to be certified by the Speaker of the House to the amount of the same.

Sec. 6. To the Postmaster at Lansing, such sum as may be due him for postage on reported debates of the House at the last and present sessions of the Legislature, to be paid by the State Treasurer on presentation of a bill verified by affidavit.

Sec. 7. To O. C. Wiswell, for a large map of Michigan, to be presented to the House of Representatives, fifteen dollars.

Sec. 8. To chairman of printing committee, for his services rendered in making index to legislative manual, six dollars.

Sec. 9. To Edwin H. Brown, for services as *tempore*, six dollars; to N. B. Jones, for pasting up the names of Representatives at last session, five dollars.

For repairs
in Detroit.

Sec. 10. For repairs of Supreme Court room in the city of Detroit, a sum not exceeding one hundred dollars.

Sec. 11. For repairing drain leading from Supreme Court room, in the city of Detroit, to one of the sewers in said city, a sum not exceeding one hundred dollars, to be expended under direction of the Quarter Master General.

F. Hall.
D. Ball.

W. L. Coffinbury.
J. Penny.

Sec. 12. For services as witnesses before the select committee appointed upon the subject of the Grand Rapids canal, as follows: to Frederick Hall, of Ionia, twenty-four dollars; to Daniel Ball, of Grand Rapids, thirty dollars; to W. L. Coffinbury, of Grand Rapids, thirty dollars; to Joseph Penny, of Grand Rapids, thirty dollars.

J. G. Thurber.

Sec. 13. To Jefferson G. Thurber, as Speaker of the House, for examining bills after the close of the last session, under a resolution of the House, nine dollars; to Jefferson G. Thurber, as Speaker, three dollars per day for such time as may be required in examining bills after the close of the present session, to be certified by the clerk.

SW Wright
& Co.

J. A. Bascom.
W. W. Phelps.
J. Sweet.

A. Allen.

D. Mitchell.

HH Dunks.

J. C. Williams.
E. Willis.

H. Gibbs.

D. W. Buck

E. Willis.

Sec. 14. To S. W. Wright & Co., for stationery furnished House of Representatives, sixty-eight dollars and sixty-four cents; to James A. Bascom, for sundries furnished House of Representatives, four dollars; to W. W. Phelps, for stationery furnished House of Representatives, three dollars and sixty-seven cents; to Jonathan Sweet, for making steps, two dollars; to Austin Allen, for sundries, two dollars; to Dexter Mitchell, sundries furnished for House of Representatives, eleven dollars and seventy-five cents; to H. H. Dunks, for repairing tables for House of Representatives, four dollars and nine cents; to John C. Williams, for repairs to House, fifteen dollars and seventy-five cents; to Ezra Willis, for cleaning the Hall of the House of Representatives, three dollars; to H. Gibbs, for work and repairs on tables, one dollar; to D. W. Buck, for tables for House of Representatives, thirteen dollars; to Ezra Willis, for cleaning the Hall of the House of Representatives, two dollars.

A. S. Bagg.

F. B. Clark.

F. S. Simmons.

Sec. 15. To A. S. Bagg, for stationery furnished the House of Representatives, eighty-eight dollars and seven cents; to F. B. Clark, for stationery for House of Representatives, fourteen dollars and twenty-three cents; to F. S. Simmons, for bell-mettle pens, four dol-

lars; to L. Post, for pails for House of Representatives, two dollars; To S. W. Wright & Co., for stationery furnished House of Representatives, one dollar and six cents; to H. Gibbs, for putting locks on tables, five cents; to C. Matthews, for cleaning the House of Representatives, two dollars; To S. W. Wright & Co., for stationery furnished House of Representatives, one dollar and six cents; to James A. Bascom, for stationery for House, forty-nine dollars and fifty cents; to James A. Bascom, for candles and candlesticks, six dollars.

Sec. 16. To S. W. Wright & Co., for paper for House of Representatives, eighty-four cents; to D. P. Bushnell, for journal and documents, twenty-five dollars; to D. P. Bushnell, for stationery for House of Representatives, twenty-five dollars; to H. Gibbs, for stationery furnished House of Representatives, twenty-five cents; to James A. Bascom, for candlesticks furnished House of Representatives, eighty-two cents; to Alfred Johnson, for stationery for House of Representatives, one dollar and six cents; to W. Phelps, the sum of six cents per folio for the journal of the House of the present session to be paid on the certificate of the Secretary of the House, (to certify the number of folios,) that the work has been deposited in his office; to James A. Bascom, for stationery for House of Representatives, thirty-seven cents.

Sec. 17. This act shall take effect immediately.
Approved June 28, 1851.

[No. 19.]

JOINT RESOLUTION relative to enrolled bills which may not be reported before the final session of the legislature.

Resolved by the Senate and House of Representatives of the State of Michigan, That it shall be competent and it shall be the duty of the presiding officer of each House, with the aid [and assistance] of the Secretary, Clerk, and enrolling Clerk of each House,

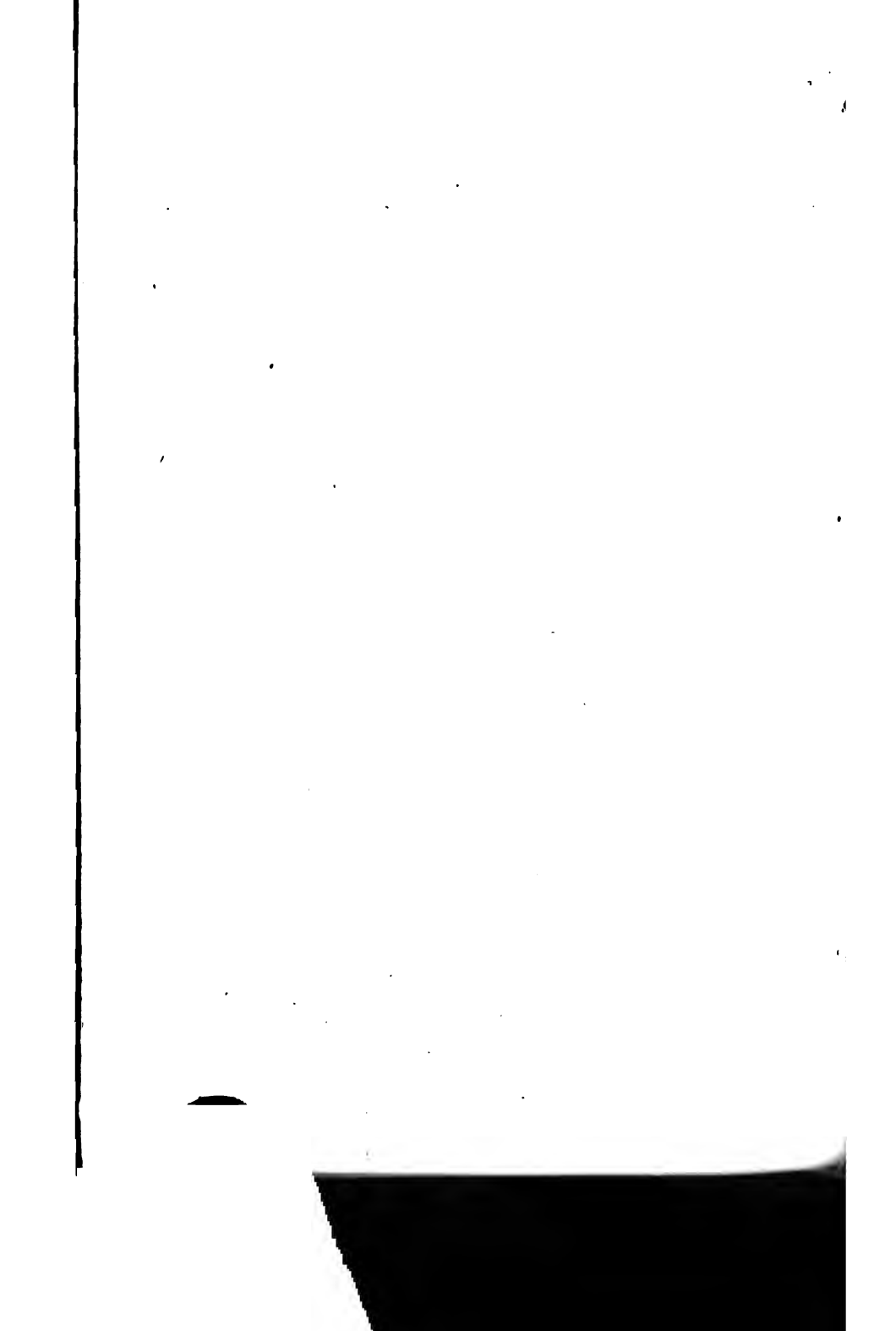
enrolled, signed and transmitted to the Governor, any bills or resolutions which may have been passed by both Houses and remain not enrolled and reported at the hour of the final adjournment of the legislature: *Provided*, Such bills or resolutions shall be so transmitted within two days after such adjournment, and a statement thereof entered on the journal of the proper House.

This joint resolution shall take effect immediately.

Approved June 28, 1851.

APPENDIX





APPEND.

Annual Report of the State

STATE TREASURER

LANSING

To the Legislature of the State of Michigan

In accordance with the provisions of law I submit herewith statements exhibiting the condition of the treasury at the close of the fiscal year ending Nov. 30th, 1850.

The balance in the treasury is thirty-six thousand dollars eighty-five cents, (\$36,057 85.)

During the past fiscal year all demands upon the treasury have been promptly met, with the exception of those due to members and officers of the constitutionally adjourned, nearly all of which has been provided for. I have also provided to pay all the interest on the State debt which became due on the 1st of January, and thus applied, except in those cases where the interest has not been presented.

The interest due on the coming 1st of January amounts to \$20,894 77, for which funds have been provided and paid at that time.

I also submit herewith a statement of the condition of the bonds filed in this office by different banks and the security for circulating bank notes countersigned.

B. C.

State Treasurer of Michigan in account with the State of Michigan.

DR.

CR.

1850.

Nov. 30. To bal. in the treas. Nov. 30, 1849, \$55,597 47
To am't r'ts ac. gen. f'd, 206,192 58
do int. imp. fund, 140,358 38
do pri. sch. fund, 22,461 90
do university fund, 9,881 39
do pri. sch. int. fund, 34,028 31
do uni. int. fund, 10,473 31
do M. C. R. R. Co. deposits, 524 50
do St. building fund, 3,165 15
do Asylum fund, 661 14
do Normal sch. endowment fund, 2,150 00
do Nor. sch. int. f'd, 15 26

\$485,509 39

1850.

Nov. 30. By amount paid out on act. gen. f'd, \$167,871 65
By do int. imp. fund, 221,901 86
do pri. sch. int. do 43,921 47
do university do 12,917 11
do contingent, 572 24
do M. C. R. R. Co. deposits, 415 24
do St. building fund, 532 07
do treas. notes burned, 42 00
do asylum fund, 544 53
do Nor. sch. end't fund, 611 60
do Nor. sch. int. fund, 221 77
Bal. in treasury Nov. 30, 1850, 36,057 85

\$485,509 39

Ledger Balances, November 30, 1850.

Cash, \$36,057 85
Internal imp. fund, 294,753 11
University int. fund, 2,034 48
State building fund, 7,348 80
Normal sch. fund, 339 37

\$840,533 61

General fund, \$110,550 14
Primary school fund, 197,711 96
University fund, 11,073 77
Primary sch. int. fund, 14,407 18
Contingent fund, 1,435 48
Michigan Central R. Co. deposits, 2,659 77
Treasury notes, 899 00
Asylum fund, 116 61
Normal sch. end't f'd, 1,679 70

\$340,533 61

GENERAL FUND.

To warrants paid during the fiscal year, \$167,871 65
To am't transferred to int. imp. fund, 29,908 75
do to unv. int. fund, 1,816 49
do to pri. sch. int. do 13,618 10
do to contingent do 2,000 00
do nor. sch. int. do 8 44
To bal. Nov. 30, '50, 110,550 14

\$325,173 57

By bal. Nov. 30, '49, \$18,920 99
do amount transferred from university fund, 100,000 00
do receipts during the fiscal year, 206,192 58

\$325,173 57

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DR.

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INTERNAL IMPROVEMENT FUND.

To bal. Nov. 30, '49, \$251,213 38	By receipts during the	
do warrants paid during the fiscal year,	fiscal year,	\$140,358 38
221,901 86	do amt. transferred	
	from gen. fund,	29,908 75
	do do St. build. do	8,095 00
	do bal. Nov. 30, '50,	294,753 11
<u>\$473,115 24</u>		<u>\$473,115 24</u>

PRIMARY SCHOOL FUND.

Total Nov. 30, '50, \$197,711 96	By bal. Nov. 30, '49, \$175,250 06
	do receipts during the fiscal year,
	22,461 90
<u>\$197,711 96</u>	<u>\$197,711 96</u>

UNIVERSITY FUND.

To am't transferred to general fund, \$100,000 00	By bal. Nov. 30, '49, \$101,192 38
do bal. Nov. 30, '50, 11,073 77	do receipts during fiscal year,
	9,881 39
<u>\$111,073 77</u>	<u>\$111,073 77</u>

PRIMARY SCHOOL INTEREST FUND.

To warrants paid during fiscal year, \$43,921 47	By bal. Nov. 30, '49, \$11,282 24
do bal. Nov. 30, '50, 14,407 18	do am't transferred from general fund, 13,018 10
	do rec'pts during the fiscal year,
	34,028 31
<u>\$58,328 65</u>	<u>\$58,328 65</u>

UNIVERSITY INTEREST FUND.

To bal. Nov. 30, '49, \$1,507 17	By rec'pts during the	
do warrants paid during fiscal year, 12,817 11	fiscal year,	\$10,473 31
	do am't transferred from general fund,	1,816 49
	do bal. Nov. 30, '50,	2,034 48
<u>\$14,324 28</u>		<u>\$14,324 28</u>

DR.

CR.

CONTINGENT FUND.

To warrants paid during the fiscal year, \$ 572 24	By bal. Nov. 30, '49, 7 72
do bal. Nov. 30, '50, 1,435 48	do am't transferred from general fund, 2,000 00
<u>\$2,007 72</u>	<u>\$2,007 72</u>

MICHIGAN CENTRAL RAILROAD CO. DEPOSITS.

To warrants paid during the fiscal year, \$ 415 24	By bal. Nov. 30, '49, \$2,550 51
do bal. Nov. 30, '50, 2,659 77	do rec'pts during the fiscal year, 524 50
<u>\$3,075 01</u>	<u>\$3,075 01</u>

STATE BUILDING FUND.

To bal. Nov. 30, '49 1,886 88	By rec'pts during the fiscal year, 3,165 15
do warrants paid during the fiscal year, 532 07	do bal. Nov. 30, '50, 7,348 80
do amt. transferred to int. imp. fund, 8,091 00	
<u>\$10,513 95</u>	<u>\$10,513 95</u>

TREASURY NOTES.

To amt. paid out for treasury notes burned, 42 00	By bal. Nov. 30, '50, 941 00
do bal. Nov. 30, '50, 899 00	
<u>\$941 00</u>	<u>\$941 00</u>

ASYLUM FUND.

To warrants paid during the fiscal year, 544 53	By rec'pts during the fiscal year, 661 14
do bal. Nov. 30, '50, 116 61	
<u>\$661 14</u>	<u>\$661 14</u>

NORMAL SCHOOL ENDOWMENT FUND.

To warrants paid during the fiscal year, 611 60	By receipts during the fiscal year, 2,150 00
do bal. Nov. 30, '50, 1,679 70	do amt. transferred f'm normal sch'l int. fund, 141 30
<u>\$2,291 30</u>	<u>\$2,291 30</u>

APPENDIX.

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CR.		DR.	
NORMAL SCHOOL INTEREST FUND.			
To amt. transferred to normal sch'l end. fund,	141 30	By receipts during the fiscal year,	15 28
do warrants paid during the fiscal year,	221 77	do amt. transfer'd from general fund,	8 44
		do bal. Nov. 30, '50,	339 37
	<u>\$368 07</u>		<u>\$368 07</u>

STATEMENT, showing the amount and character of the Bonds filed in this office by the several Banks below named, as security for redemption of circulating bank notes, countersigned by State Treasurer.

	Amount Stock.	Total Amount.
<i>Michigan Insurance Company Bank.</i>		
Michigan Penitentiary Bonds,	39,000 00	
do Adjusted do	74,177 61	
do Internal Imp. do	11,550 00	
		124,727 61
<i>Peninsular Bank.</i>		
Michigan Int. Imp. warrant Bonds,	40,900 00	
do Adjusted do	38,433 37	
Detroit and Pontiac R. R. do	3,000 00	
United States (loan of 1848) do	10,000 00	
		92,333 37
<i>Government Stock Bank.</i>		
United States 5 per cent. Bonds,		61,000 00
<i>Farmer's and Mechanic's Bank.</i>		
Michigan Adjusted Bonds,	46,501 70	
do Int. Imp. warrant Bonds,	3,500 00	
		50,001 70
Whole total,		<u>\$328,062 68</u>

AN ACT to enable the State of Arkansas and other States to reclaim the "Swamp Lands" within their limits.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That to enable the State of Arkansas to construct the necessary levees and drains, to reclaim the swamp and overflowed lands therein, the whole of those swamp and overflowed lands made unfit thereby for cultivation, which shall remain unsold at the passage of this act, shall be and the same are hereby granted to said State.

Sec. 2. *And be it further enacted,* That it shall be the duty of the Secretary of the Interior, as soon as may be practicable after the passage of this act, to make out an accurate list and plats of the lands described as aforesaid, and transmit the same to the Governor of the State of Arkansas; and at the request of said Governor, cause a patent to be issued to the State therefor; and on that patent the fee simple to said lands shall vest in the said State of Arkansas, subject to the disposal of the legislature thereof: *Provided, however* That the proceeds of said lands, whether from sale or by direct appropriation in kind, shall be applied exclusively, as far as necessary, to the purpose of reclaiming said lands, by means of the levees and drains aforesaid.

Sec. 3. *And be it further enacted,* That, in making out a list and plats of the land aforesaid, all legal sub-divisions, the greater part of which is "wet and unfit for cultivation," shall be included in said list and plats; but when the greater part of a sub-division is not of that character, the whole of it shall be excluded therefrom.

Sec. 4. *And be it further enacted,* That the provisions of this act be extended to, and their benefits be conferred upon, each of the other States of the Union in which such swamp and overflowed lands, known and designated as aforesaid, may be situated.

Approved September 28, 1850.

LIST OF A

PASSED BY THE LEGISLA

- | No. | Title. |
|-----|---|
| 1. | An act to extend the time for the collection of the township of Jackson, in the county of Jackson, approved February 8, 1851, |
| 2. | An act to extend the time for the collection of the township of Niles, in the county of Jackson, approved February 8, 1851, |
| 3. | An act to extend the time for the collection of the year eighteen hundred and fifty of St. Clair, in the county of St. Clair, approved February 10, 1851, |
| 4. | An act to extend the time for the collection of the city of Detroit, for the year eighteen hundred and fifty, approved February 12, 1851, |
| 5. | An act relative to postage, approved February 12, 1851, |
| 6. | An act to provide for the better securing of the records, approved February 19, 1851, |
| 7. | An act to provide for holding terms of court in the county of Sanilac, approved February 19, 1851, |
| 8. | An act to provide for the collection of taxes in the county of Kent, approved February 20, 1851, |
| 9. | An act to authorize the assessment of the township of Ransom, county of Jackson, approved February 22, 1851, |
| 10. | An act to authorize the assessment of the township of Baltimore, in the county of Jackson, approved February 22, 1851, |
| 11. | An act authorizing the board of State auditors to examine and settle the claim of the Detroit and Ham plank road company, approved March 1, 1851, |

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12.	An act to amend an act entitled an act authorizing Sandy McLeod to build a dam across the Cheboygan river, in the county of Cheboygan, approved March 3, 1851,	9
13.	An act to repeal an act entitled an act to provide for statistical information, approved April 3, 1848; approved March 8, 1851,	10
14.	An act to amend an act to incorporate the Genesee county plank road company, approved March 8, 1851,	10
15.	An act to repeal an act to prevent the circulation of foreign notes, approved April 3, 1848; approved March 8, 1851,	11
16.	An act authorizing the board of State auditors to examine and settle the claim of Nancy J. Gould, administratrix upon the estate of Austin M. Gould, deceased, approved March 8, 1851,	11
17.	An act supplementary to an act entitled an act to incorporate the Jackson and Michigan Plank Road Company, approved April 3, 1848; approved March 8, 1851,	12
18.	An act to amend sections one and two of act No. 96, entitled an act to authorize the building of a certain dam therein named, approved March 31, 1840; approved March 8, 1851,	13
19.	An act to amend section one of act No. 109, entitled an act to incorporate the Marshall and Ionia Plank Road Company, approved March 20, 1850; approved March 8, 1851,	14
20.	An act to amend sections one and three of an act entitled an act to incorporate the Corunna and Saginaw Plank Road Company, approved April 3, 1848, and to amend section one of an act to amend an act entitled an act to incorporate the Corunna and Saginaw Plank Road Company, approved April 2, 1850; approved March 8, 1851,	15
21.	An act to provide for the organization of certain townships in the county of Tuscola, approved March 8, 1851,	17
22.	An act to amend sections two and three of an act entitled an act to incorporate the Copper Falls Mining Company, approved March 15, 1848; approved March 8, 1851,	17
23.	An act to amend section two of an act entitled an act to incorporate the Portland and Lansing Plank Road Company, approved March 8, 1851,	18
24.	An act to amend sections 1, 5 and 8 of an act to incorporate the city of Detroit Gas Company, and to change the title of said company to that of the Detroit Gas Light Company, approved March 8, 1851,	19

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| 25. | An act to provide for the election of regents of the university, approve |
| 26. | An act to provide for the discharge tofore performed by masters in March 10, 1851, |
| 27. | An act to authorize the Auditor General warrants, approved March 11 |
| 28. | An act to amend an act entitled an the Algonquin Mining Company, a 1848, approved March 11, 1851, |
| 29. | An act to amend an act entitled an the Siakoweit Mining Company of 1 March 12, 1849, approved March |
| 30. | An act to amend an act entitled an the Bohemian mining company, ap 1848, approved March 11, 1851, |
| 31. | An act to repeal an act to incorporat Mary, approved April 2, 1849, ap 1851, |
| 32. | An act to provide for the assessment taxes in the township of Lansing, In proved March 14, 1851, |
| 33. | An act to amend section two of an ac amending an act relative to plank March 19, 1849, approved March 14 |
| 34. | An act for the relief of certain purcha and primary school lands, approved |
| 35. | An act to authorize the assessment of the township of Almont, county of March 14, 1851, |
| 36. | An act to organize the township of He of Allegan, and the township of Aus of Sanilac, approved March 18, 1851 |
| 37. | An act to amend an act to incorporate Erin plank road company, approved approved March 18, 1851, |
| 38. | An act supplementary to an act to incro it and Saline plank road company, 23, 1848, approved March 18, 1851, |
| 39. | An act to authorize the transfer of a cer Berrien county to Cass county, appr 1851, |
| 40. | An act to amend sections three and four tled an act to incorporate the National ny, approved March 19, 1851, |
| 41. | An act to provide for the payment of th officers of the legislature, approved M |

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42.	An act to amend an act entitled an act to create a road fund for the benefit of the German colonists in Saginaw county, and to authorize the appointment of commissioners to expend the same, approved March 31, 1849, approved March 21, 1851,	38
43.	An act to provide for the issuing of a patent to Chauncey G. Pope and Thomas L. Pope, for certain land, approved March 21, 1851,	41
44.	An act supplementary to acts incorporating the city of Detroit, approved March 21, 1851,	41
45.	An act to change the boundary between the townships of Palmyra and Ogden, in the county of Lenawee, approved March 21, 1851.	42
46.	An act authorizing the Auditor General to publish certain tax sales in the Barry County Pioneer, approved March 21, 1851,	43
47.	An act for the relief of the several school districts in the township of Concord, county of Jackson, approved March 22, 1851,	43
48.	An act to amend section three, chapter one hundred and thirty, title twenty-four of the revised statutes, relative to the foreclosure of mortgages by advertisement, approved March 22, 1851,	44
49.	An act supplemental to an act to incorporate the Niles hydraulic and manufacturing company, and to amend sections one, six, eight, ten, eleven and thirteen of said act, also to change the title to that of the Niles hydraulic company, approved March 22, 1851,	45
50.	An act to amend section two of an act entitled an act to incorporate the Phoenix copper company, approved March 31, 1849, approved March 22, 1851,	53
51.	An act to amend section three of an act entitled an act to incorporate the Albion mining company, approved March 27, 1848; approved March 22, 1851,	54
52.	An act to amend section two of an act entitled an act to incorporate the New York and Michigan mining company of Detroit, approved March 30, 1848; approved March 22, 1851,	55
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54.	An act to amend an act entitled an act to amend an act entitled an act to incorporate the city of Monroe, and certain acts amendatory thereto, approved March 30, 1849; approved March 24, 1851,	57

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55.	An act to amend section one of an act entitled an act to attach the county of Huron to Sanilac, for legislative and other purposes, approved April 1, 1859; approved March 26, 1851,	58
56.	An act to amend section three of an act entitled an act to incorporate the Oakland and Ottawa Railroad company, approved April 3, 1848; approved March 26, 1851,	58
57.	An act to amend an act entitled an act to construct dams and improve the navigation of certain rivers, approved March 24, 1836; approved March 26, 1851,	60
58.	An act to amend section 1 of an act to incorporate the Howell and Byron plank road company, approved March 25, 1850, and to extend the time for opening books for the subscription of stock to the same, approved March 26, 1851,	60
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| 88. | An act for the relief of Peter Patters
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| 89. | An act relative to reports of the decisi
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| 90. | An act to incorporate the village of M
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| 92. | An act to amend sections four, five, si
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| 93. | An act to provide for the organization a
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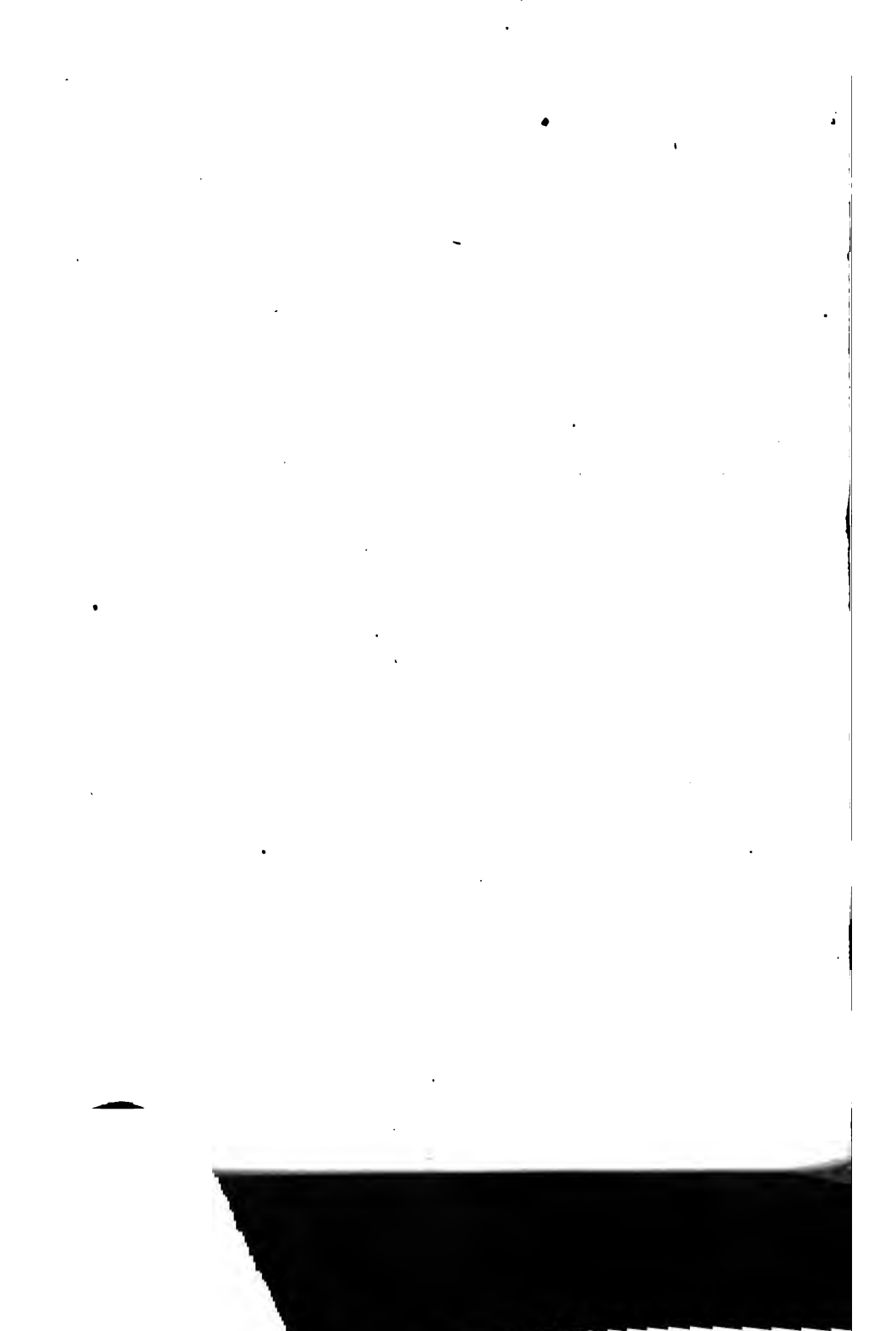
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